

# Scotland's Sovereignty

ASSERTED

*99.* BEING *Walson's*

A Dispute concerning HOMAGE, against those who maintain that *Scotland* is a Feu, or Fee-Liege of *England*, and that therefore the King of *Scots* owes Homage to the King of *England*.

Wherein there are many Judicious Reflections upon most of the English Historians, who wrote before the Year 1600. and abundance of considerable Passages, which illustrate the History of both Kingdoms.

By Sir THOMAS CRAIG, Author  
of the Book *de Feudis*.

Translated from the Latin Manuscript, and a Preface added, with a short Account of the Learned Author, and a Confutation of that Homage said to be performed by *Malcolm III.* King of *Scotland*, to *Edward the Confessor*, lately found in the Archives of *England*, and published in a single Sheet, by Mr. *Rymer*, the King's Historiographer.

By GEO. RIDPATH.

London, Printed for Andrew Bell, at the Cross-Keys in the Poultry, and sold by Thomas Brown, Alex. Henderson, George Mosman, John Vallens, John Mackay, Mrs. Ouzilant, Rob. Allen, Bookfellers in Edinburgh. 1694.



# Scotland's Sovereignty

ASSERTED

BEING  
A Dispute concerning HOMAGE, against  
those who maintain that Scotland is a Peer  
or Free-Liege of England, and that there-  
fore the King of Scots owes Homage to  
the King of England.

Wherein there are many judicious Reflections  
upon most of the British Historians, who  
wrote before the Revolution, and abundance  
of Considerations which illustrate the  
History of both Kingdoms.



By **ST THOMAS CRAIG**, Author  
of the *Tracts*

Translated from the Latin Manuscript, and  
Preface added, with an Account of the  
Learned Author, and a Continuation of that  
Homage said to be due by the King of  
Scotland, to England, the Consideration  
lately found in the Archives of England,  
and published in a single sheet, by Mr. A. W.  
the King's Historiographer.

By **GEO. RIDGWAY**

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Library, and sold by Thomas Bland, and others,  
in London, John Smith, in Oxford, and  
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To the Right Honourable

My LORD

Secretary JOHNSTON,

One of his MAJESTY'S Prin-  
cipal Secretaries of State for  
the Kingdom of Scotland.

My LORD,

**I** Take the Liberty, though in  
your Absence, to present  
you with the ensuing Trea-  
pise. It were sufficient to entitle  
it to your Patronage, that the Sub-  
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## The Epistle Dedicatory.

ject of it does nearly concern the Honour of your Country; but it has a more peculiar Claim to your Favour, since it is one of the posthumous Works of your Great Grand-father Sir Thomas Craig. The Honourable Name his Book de Feudis has acquir'd him all over Europe, and which he has in his own Country upon many other Accounts, lays (not to mention the Duties of Nature) particular Obligations to him upon those descended of him. Besides, the Subject of the following Treatise requiring the Knowledg of the Laws and Customs of your Country to judg of it, who can

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## The Epistle Dedicatory.

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do it better than your Lordship, who has made the Pursuit of Knowledge so much your Work, and to whom this Knowledge (could Knowledge be transmitted with the Blood, as Vice should belong by Inheritance?) My Author Sir Thomas Craig, and Sir John Skeen, are the two known Oracles of the Scottish Law; and the Latter was your Great Grand-father by the Mother's side, as the Former is by your Father's, and both of them extraordinary Men upon other accounts: Sir John was eminent by his Birth, he being related to the Royal Family;

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mily ; as appears by King James the Sixth's Letters to him yet extant, and by his Employments Abroad, he having been Ambassador for K. James to most of the Courts of Europe, and

\* Which is the best Post in the Kingdom, if the Honour, Profit, and Interest in the Government which it brings him that has it, be jointly considered.

advanced to that Honourable Post of \* Lord Register at Home. But to go on with your Lordship's Title to the Knowledge of the Laws and Customs of your Country, or rather their Title to your Protection ; Sir John laid particular Obligations upon the Nation by his digesting and compiling those Laws and Customs in his usefu

# The Epistle Dedicatory.

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useful Treatise de Verborum  
significatione, so much known  
and referred to every where.

Your Grand-Uncle too, Sir  
James Skeen his Son, was Pre-  
sident of the Session \*

and your Grand-father  
the Lord Forrester  
was with much Ho-  
nour and Integrity, both

\* That is in effect,  
Lord-Chief-Justice  
of Scotland, for there  
is but one Sovereign  
Court of Justice in  
private Civil Causes  
there.

a Judg and a Privy Counsellor  
above 30 Years. Your Father  
also, the Lord Waristoun, ha-  
ving been, because of his Capa-  
city and Knowledg in the Laws,  
first King's Advocate, then Lord  
Register, lost indeed both his  
Life and Fortune by the In-  
quity

## The Epistle Dedicatory.

quity of the late Reigns ; but  
no Time can deprive him of the  
Character which his Integrity,  
and the Services he did his  
Country, have acquir'd him in  
the Memory of all good Men.

My Lord,

I shall not enter upon the Sub-  
ject of your own Praise. Things  
are stronger than Words, and  
show that you are resolved to  
imitate such honourable Ance-  
stors. You struggled long under  
the Ruines of your Family, but  
without yielding to the many  
Offers and Opportunities you had  
of



## The Epistle Dedicatory.

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of getting out of them, by doing any thing contrary to your own Mind, or otherwise unworthy of you ; and now of late that you have risen to a great Post by Ways worthy both of you and it, you show the same Firmness of Mind in Prosperity that you did in Adversity ; and neither the daily tempting Opportunities that such a Post affords you of recovering your Family, and becoming suddenly rich, nor the many Examples that you have before you of those that do so in this corrupt Age, have been sufficient to subdue you.

That

**The Epistle Dedicatory.**

*That your Lordship may go on steadily in the Ways of Vertue, and be an Honour to your Ancestors, as they are an Honour to you, is the earnest Prayer to God Almighty, of,*

**My LORD,**

**Your Lordship's most obedient Servant,**

**GEO. RIDPATH.**

# THE PREFACE.

**N**ATURE teaches every Man to love his Country, inso-much that the civiliz'd Heathens did always allow Piety to that, the next Place to Piety towards their Gods; and it was esteemed glorious by the old Romans to devote themselves to death for the Safety of their Country: But we have yet a greater Pattern, viz. the Apostle Paul, who wish'd himself accursed from Christ, so that his Countrymen the *Jews* were engrafted in him; and whatever be the meaning of that Expression, we may safely infer, that it contains a higher Flight of Zeal for the Welfare



*The Preface.*

fare of his Countrymen than is to be met with in any Heathen Author, and does much exceed the Roman Phrase of devoting themselves to the infernal Gods for their Country's Sake. This is sufficient to justify the Author for writing the following Treatise; so that it only remains that an Account should be given why the same is now translated and publish'd, after having lain dormant near 100 Years in Manuscript.

It's a loss that the Learned Author did not publish the same both in Latin and English; but why he did it not, we are not able to conjecture at this Distance. However there's no Reason that Scotsmen should be perpetually silent, when they find the Honour of their Country attack'd in this Point by English Historians one after another, as particularly by *Heylin* in his scurrilous manner, and now by *Mr. Rymer* Historiographer to his Majesty

Majesty King *William*, who hath publish'd a Form of Homage said to be performed by *Malcolm* the third King of Scots, to *Edward the Confessor*, for the Kingdom of Scotland and all the adjacent Isles. It were indeed to be wish'd, that the Latin Manuscript *de Hominio* were printed for the Honour of Scotland, and the Information of Foreigners who are frequently misled as to our Affairs, and particularly on this Head, by English Historians; but that must either be the undertaking of the Publick, or of those who are willing to be at the Charge of it.

In the mean time seeing our Neighbours have publish'd their Plea for this *Homage* in their own Language, they cannot well take it amiss if we make this Learned Confutation answer them in that same Dialect.

Some may perhaps think this Publication unseasonable, as tending to revive old Quarrels berwixt the Kingdoms;

doms; but why the Defence of our Independency by Sir *Tho. Craig* against Mr. *Holinshed*, who are both dead long ago, should have more influence upon the Friendship of the Nations, than that about our Antiquity betwixt Sir *George Mackenzie*, Dr. *Lloyd* and Dr. *Stillingsfleet*, when the Controverting Authors were all alive together, cannot well be divin'd. But if it should, the first Aggressors must bear the Blame: no Reason can be assigned why Scotsmen should not now defend with their Pens, what their Ancestors maintain'd so gallantly with their Swords; and as they did never more verify that part of the Character given them by the Learned *Cluverius*, that they are (*Marte felices*) Noble Warriours, than in the glorious Defence of their Nation from this very Claim by their Arms, the other part of his Character, that they are also (*Ingenio felices*)



ces) very Ingenious, was never demonstrated by a better Instance than this Vindication of their Country from that Ignominious Imputation by their Learning, which will more fully appear by the perusal of this Treatise, wherein the Author hath acquitted himself as became one of his Birth, Estate, Learning and Probity.

It may be objected by some, that the Knowledg of this Controversy is now become useless, because of the Union of the Crowns; but it's hoped that all Men who love their Country, will be willing to know what can be said in defence of its Honour, especially in a Point, which as appears by our Histories, occasioned sixty Years War betwixt the two Kingdoms, and cost them at least three hundred thousand Lives: An Argument sufficient of it self to whet the Appetites of the Curious, to hear what is to be said on both sides.

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sides. But for Scotsmen to be indifferent in this Affair, will argue a mighty Degeneracy from the Zeal of their Ancestors, who according to the Testimony of *Paris* and *Westminster*, both English Historians, did in the Reign of *Henry* the third, bring one hundred thousand Men into the Field, who had all confessed themselves to the Priests, according to the manner of the Times, and resolv'd every Man to sacrifice his Life for the Honour of his Country, rather than submit to the Homage here treated of, an Instance which is scarcely to be parallel'd in History. We read indeed of *Curtius* and some other Noble Romans, who have devoted themselves to death for their Country; but that is nothing in Comparison to such a Multitude: and yet it's probable that the Kingdom of *Scotland* would have furnished a far greater Number of such if there had been

been occasion, when the Nobility of Scotland in their Letter to Pope Boniface VIII, protested that they would never be subject to *England*, To long as there were an hundred Scotsmen alive.

But that which renders the Knowledge of this Controversy more needful at this time, is the Revival of it by the Form of Homage, said to be performed to *Edward the Confessor* by our King *Malcolm*, for Scotland and the adjacent Isles, lately found by Mr. *Rymer* in the Archives of *England*; and he hath publish'd it as a Proemium to the publick Treaties betwixt *England* and other Nations, which he designs to print.

I no sooner saw that Paper, but it brought me in Mind of the Story of *Annius de Viterbo* that famed Impostor, who being a great pretender to Antiquity, did not only in his twenty seven Books on that Subject impose



Counterfeit pieces upon the World, under the Name of *Berosus Manetho*, &c. of which *Joseph Scaliger*, and others advise young Students to beware; but to put a Complement upon the City of *Viterbo*, the Place of his Nativity, he ordered some Inscriptions to be ingraven, and hiding them amongst the Vines caus'd them afterwards to be dug up, and carrying them in triumph to the Magistrates, pretended that he had found Inscriptions, which made it appear, that their City was much elder than *Rome*, and that it was built by *Isis* and *Osiris*, who lived about two thousand Years before *Romulus*. I would not be understood to reflect upon Mr. *Rymex*, as if this Counterfeit Homage were of his Contrivance, for I doubt not but he found it, where he says he did; but that it is a Counterfeit, and that none of the oldest standing, I conceive will appear by what follows.

1. That

1. That there's no mention made thereof by *Edward* the first, in his defence to *Pope Boniface* the eighth, who charged him with making an unjust War upon the Scots, and ordered him to desist on Pain of Excommunication : Now can any reasonable Man believe, that if there had been such an Authentick Record of Homage performed for the Kingdom of *Scotland* not much above two hundred Years before his own Time, that this Prince who traced the fabulous History of his Country as far as *Brute* with his *Trojans*, and search'd all the Records both of *England* and *Scotland* for Arguments to support this pretended Homage, could have miss'd of such an Authentick Piece as this if it had been then in the Archives of the Nation ?

2. When *Richard* King of *England*, as appears by his Charter mentioned in *Hoveden*, restored to *William* King of  
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of Scotland all the Monuments of Homage either performed, or which had been said to be performed for Scotland upon the Publick Faith of the Kingdom; Is it reasonable to suppose, that either the Government of Scotland would have been so silly as to have neglected the demanding of such an Authentick Record, had there been any such, or that the Government of England would have broken the Publick Faith to have retained it? It's true, that there's a Caveat in that Charter, that if any such Monuments were retained through forgetfulness, they were *ipso facto* to be held Null and Void; but that will nothing help our Adversaries, for it's not to be supposed, that an Homage performed in full Parliament, as this is said to have been, could be forgotten by either of the Nations.

3. It is not to be thought that Henry the eighth would have omitted this



this Evidence of our Homage in his Declaration of War against James the 5th of Scotland, wherein he amass'd all that could be said for the same, had there been any such thing in the Archives of his Kingdom. By all which it will appear, that either there was no such Record then in the Archives, or that it was not known, or at least not look'd upon as Authentick: but that it was unknown is next to impossible, seeing it is pretended to have been performed in full Parliament; that it should not have been esteem'd Authentick if it had been known, is very improbable, seeing it carries a fairer Countenance than the Arguments they made use of from Brutus, &c. Therefore there's Reason to presume it was forg'd since that time, and probably in Q. Mary's Reign, because when fresh enquiries were made into the Pretensions of England to this Homage, in the time of Edward VI. there's no mention of

of this Record, as appears by Dr. Burnet's *History of the Reformation*.

But now I shall exhibite the Charter it self, first in Latin, exactly according to the Copy printed by Mr. Rymer, then in as good English as the barbarous and incongruous Latin will bear, and make such Observations upon it, as will clearly evince its being a Counterfeit.

**M**Alcolmus Dei gratia Rex Scottorū & Insularū adjacentium, ōnibus Christianis ad quos Presentes Lrē pervenerint Salutem, tam Danis et Anglis quā Scotis; sciatis nos et Edwardū primogenitū filiū nrū et heredem, Comitē de Carrick et de Rotsaye, recognovisse nos tenere totū Regnū nrū Scotiæ et Insulas adjacentes de Excellentissimo dno nro Edwardo, filio Ethelredi nuper Regis Angliæ, Superiore Dno Regni Scotiæ et insularū adjacentiū per Homagiū, Ligiū et Fidelitatē, prout Antecessores & Progenitores nrī pro  
antea

antea temporibus retroactis satis notabiliter recognoverunt et fecerūt, prout par antiquior Recorda Coronæ satis nobis constat. Quare ex jure directo nos devenimus hōnes ūtros, O Domine noster Serenissime Edwardē, fili Ethelredi, Rex Angliæ, et Superior Dominus Scotiæ et insularū adjacentiū, durante vita nra, contra oēs homines vobiscū vivere et mori, tanquam Ligū subditi vestri fidelis, et Ligā fidelitatē vobis et heredibus vestrū portabimus. Sic Deus nos adjuvet et scū Dei Judicium. In cujus Rei Testimonium Presentibus sigillum nrū apponi fecimus pro nobis & filio nrō predcō apud Eboracū, quinto die Junii, ann. Regni nrī nono. In Parlamento predicti Dni superioris nrī ibidē tento ex consensu & consilio Margarete Consortis nræ, filiæ Edwardi filii Edmundi Ferrei Lateris, Edgari Atheling fr̄is, ejusdē Consortis nostræ, & quā pluriū Magnatū aliorū Regni nrī predicti.

(Locus  
Sigilli.)

In



*In English thus.*

**M**ALCOLM King of Scots, and  
 of the Adjacent Isles, to all  
 Christians to whom these present Letters shall come, Greeting, as well to  
 Danes and English as to Scots. Be  
 it known to you, that we and Edward  
 our eldest Son and Heir, Earl of  
 Carrick and Roshay, have recogniz'd  
 that we hold our whole Kingdom  
 of Scotland, and the adjacent Isles,  
 of our most Excellent Lord Edward  
 Son to Ethelred late King of England,  
 Liege Lord of Scotland, and the ad-  
 jacent Isles by Liege Homage and  
 Fealty, as our Predecessors and Pro-  
 genitors are very well known to have  
 recogniz'd and done, as manifestly  
 appears to us by the antient Records  
 of the Crown; and therefore by di-  
 rect Law we become your Liege-  
 men, O our most Serene Lord Ed-  
 ward Son of Ethelred King of England,  
 and

and Liege Lord of Scotland, and the adjacent Isles; and we shall bear Liege Fealty to you and your Heirs during our Lives, to live and die with you against all Men as your faithful Liege Subjects. So Help us God, and the Holy Judgment of God. In witness whereof we have caused our Seal to be put to these Presents for us and our Son aforesaid, at York the fifth day of June, and the ninth Year of our Reign, in the Parliament of our Liege Lord aforesaid held there, by the Consent and with the Advice of Margaret our Consort, Daughter of Edward, Son to Edmund Ironside, Edgar Atheling Brother to our said Consort, and many others of the Nobility of our Kingdom aforesaid.

There are many Exceptions to be brought against this Homage, as that it is contrary to all the Forms of Homage recorded even in the English Histories,

Histories, having an impertinent Address to the King of *England* in the Nature of a Prayer, *O Domine Noster*, &c. an affected Genealogy of *Margaret Queen of Scots* which is nothing at all to the purpose; a Title by which never any of the Kings of *Scotland* design'd themselves, viz. *Scotorum & Insularum adjacentium*: Not was there then any Earl of *Carrick* or *Rothsay*, and the eldest Son of *Scotland* was long before that time entituled Prince of *Cumberland*. Nor is it to be forgot that there is no mention in this Homage of the Northern Counties though then possess'd by the *Scots*, which is another Argument of its being a Forgery. It is also to be observed, that *Rothsay* was no Title belonging to the Royal Family, till the *Stuarts* came to the Crown which was in 1377, being 311 Years after the Date of this Homage; for *Rothsay* is a Town and Castle in the Isle



Isle of Boot, the paternal Inheritance of the *Stuarts*; and the first mentioned in our History to have born the Title of Earl of *Rothsay*, is *David* Son to King *Robert* the third, about 1390, which is 324 Years after this Homage.

We might also object against the Word *Parliament* as being French, and not probably us'd in *England* till after the Conquest; their publick Assemblies at that time being called *Wutena* a *Gemots*, which if rendred in Latin then, ought either to have been *Conventus Sapientum* according to the import of the Words, or *Conventus Ordinum*, or *Comitia Regni*, according to the Latin Idiom, and not *Parliamentum*, which *Cambden* in his *Britannia* owns to be a French Word, and of no great Antiquity. But that which proves this Homage to be a Forgery beyond all Controversy, is the alledged Consent of *Margaret* Queen of *Scotland*,

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and Prince *Edward* her Son, *June* the fifth, in the ninth Year of *Malcolm's* Reign, which must be 1066, for he began his Reign *April 25. 1057.* Now *Margaret* and her Brother *Edgar Atheling*, did not leave *England* till after the Conquest, which was in *October 1066.* and designing then for *Hungary*, they were driven ashore in *Scotland* by stress of Weather, and there King *Malcolm* being taken with her Beauty and Probity, married her, as near as we can guess, in 1067: but that she was not married till she fled out of *England* after the Conquest, all the English Historians that I have met with agree, and particularly Sir *William Temple*, in his late Introduction to the History of *England*; so that here she is supposed to give Consent to her Husband's doing Homage to *Edward the Confessor* before she was married, and when *Edward the Confessor* was dead: and seeing they

they will have her Son Prince *Edward* also to sign it, they must at least allow him to be fourteen Years of Age before he was capable of signing a Deed of this Importance, whereas he was not then born. These things appear plain to any Man that will be at the Pains to look into the Histories of both Kingdoms, tho I must own that that Learned Gentleman *James Tyrrel Esq;* told me of this false Date before I had seen an authentick Copy of the pretended Homage; and as that Gentleman has put a great Obligation upon his Country, by asserting their antient Liberties in his elaborate Book, called *Bibliotheca Politica*, it's not to be doubted but he will in like manner advance its Honour, by refining and improving their History, without copying the Reproaches cast upon Neighbouring Nations by the common Herd of preceding Historians, or robbing o-

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ther Kingdoms of their due Honour, *England* having so many real Glories of her own, that she needs not be-reave her Neighbours of any of theirs; and it's hoped that Mr. *Rymur* will not disgrace his Treatise of the publick Leagues and Transactions of *England*, with such a notorious Counterfeit as this appears to be.

It's but just that we should conclude with some account of Sir *Thomas Craig*, the Author of the following Treatise.

He was lineally descended from the Family of *Craigston* in *Buchan*, one of the most Antient in the Kingdom: he was born about 1548, and having been vertuously educated by the Care of Mr. *John Craig* a great Divine, and his near Relation, and made more than an ordinary Progress in the learned Languages and Philosophy, he

he went to *France*, and studied the Civil Law: in the Knowledg of which, he exceeded most of his Contemporaries; for he had very great natural Endowments, as well as acquir'd Parts. On his return from *France*, he applied himself to the Bar; where he purchas'd so much Reputation by his Learning and Integrity, that in 1604, when K. *James* set the Design of an Union betwixt the two Kingdoms on foot, he was chosen by the Parliament of *Scotland* as one of the principal Commissioners to negotiate that important Affair.

He was universally esteem'd by all the Great and Learned Men of his Time; kept Correspondence with many of them, and particularly with *Cambden*, that famous Antiquary.

He gave a convincing Demonstration of his extraordinary Knowledg in the Law, by his Book *de Feudis*, so well known to all the Learned in

that Faculty : Wherein, like another *Justinian*, he reduc'd into a clear and intelligible Method the whole Laws of his Country, which were formerly like an undigested Chaos, and illustrated them by the Civil and Canon Law, and the Customs and Statutes of various Nations.

Having thus devoted the first Fruits of his Pen to the Service of his Country, and the Students of the Scots Law, he persisted in that generous Course ; and undertook the Defence of his Sovereign's Just Right of Succession to the Crown of *England*, against the Cavils and Objections of *Dolman*, or rather the Jesuit *Parsons* ; wherein he defeated the bold Adversary to the full Conviction of all Rational Men. This valuable Manuscript is still preserved in the Library of the College of *Edinburgh* ; nor would it have remain'd unprinted, had not *K. James the Sixth's* peaceable Access



to the Crown of *England* rendred the Publication of it needless in that Juncture.

Sir *Thomas's* Zeal for his Prince and Country, did not stop here; for the desirable Project of Union having warm'd the Breast of that Learned Monarch, and inspir'd his Chief Ministers with an earnest Desire of bringing it about, this Great Author wrote an excellent Piece on that Subject, entituled, *De Unione Regnorum*; wherein he has with all the Strength of Reason, Wit, and Eloquence, demonstrated the Necessity and Expediency thereof, though the bad Genius of the Island hath hitherto obstructed it. As the first Effort of his Pen was for the Honour and Advantage of his Country, to which he approved himself a faithful Patriot throughout the whole Course of his Life; his last Effort of that Nature was directed to the

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same End, which put him upon writing this Learned and Elaborate Treatise, *De Hominio*, in defence of the Independency and Sovereignty of our Kings.

It is not to be imagin'd but that this laudable Zeal for his Prince and Country, was well resented; and as an Evidence thereof, the King conferred the Honour of Knighthood upon him, which was reckoned a considerable Honour in those times: But this worthy Man being a Person of substantial Merit, and one who slighted the gaudy Accoutrements of Honour, he could never be brought to accept of it formally; upon which the King commanded that every one should give him the Title.

These Instances are sufficient to demonstrate his Piety towards his Country; what follows are Evidences of no less Piety towards his Parents

rents and Children, and Hospitality towards his Neighbours. His Father being of the Romish Communion, Sir *Thomas* never desisted from his pious Endeavours till he brought him over to the Protestant Religion, which yielded him no small Joy. His Zeal for the said Religion, and Fatherly-care for his Children, appears by his Will, dated in 1591. about 17 Years before his Death: Wherein he protested, that as he liv'd, so he intended to die in that Religion which was at that time professed in the Kingdom, in all Points and Heads of Doctrine, which he believed to be the only true and uncorrupted Religion taught and left to us by Jesus Christ; and after a very serious Strain of Practical Devotion, and Provision made for his Lady *Helen Herriot*, a Daughter of *Trebourn* in *East Lothian*, he gave strict Injunctions to his eldest Son *Lewis*, that as he would inherit the Blessing of God and his Father, he



he would take a Fatherly-care of the rest of his Brethren.

And as he was a dutiful Child himself, and eminent for filial Piety, God rewarded him in that same kind : For his eldest Son, Sir *Lewis Craig* of *Wrights-houses*, who attain'd the Dignity both of a Counsellor and Judge before he was 34 Years old, which was a thing very rare in those days, when few were ever admitted to the Bench, unless to their other good Qualifications, they had a long Tract of Experience adjoin'd ; yet this dutiful Son, notwithstanding his high Station, would always be uncovered to his excellent Father when he came to plead before him at the Bar. His second Son was Sir *James Craig* of *Castle Craig* and *Craigston*, in the County of *Cavan* and *Letrum*, and Province of *Ulster* in *Ireland*, who behaved himself gallantly against the Irish Rebels in 1641, and dying in defence of his Country without Issue, left his Estate

to his younger Brother Dr. John Craig, Physician in Ordinary to K. James the Sixth, and afterwards Chief Physician to K. Charles I. His fourth Son, Mr. Thomas, became an Advocate. And he had moreover, three Daughters, all of them honourably married; the eldest Margaret, to Sir Alexander Gibson of Dury; the second Elizabeth, to Mr. Johnston Father to Sir Archibald the late Lord Wariston, and Grandfather to Mr. Johnston, one of his Majesty's Secretaries of State for the Kingdom of Scotland; the youngest Janet, was married to . . . . Belchis of Tofts.

Then as for his Hospitality towards his Neighbours; it was evidenc'd by his keeping an open Table to Persons remarkable for their Birth or Learning. And thus having mov'd in an high Sphere of Reputation till the 60th Year of his Age, he died at Edinburgh, Ann. Dom. 1608. The present Representative of his Family, is  
Robert

Robert Craig of Riccarton; who tho' he has an opulent Estate of 1200*l.* *per annum*, yet follows the Law after the Example of his Predecessors.

As for the Translation, all that can be said for it is this, that part of it was shown to some of good Judgment before it went to the Press, who were pleas'd to approve of it. It's but seldom that Originals gain any thing by Translations; and it is not to be supposed that the Publisher's English should come any thing near the Author's Latin, of which he was known to be so great a Master; but Care has been taken to express his Sense as far as the Translator's Capacity could reach it; and he hopes that some Allowances may be granted him though the Stile be not found very smooth and equal, seeing the Nature of the Debate would scarcely admit of it.

ADVER-



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## ADVERTISEMENT to the Reader.

**T**Here are some few Dates and Quotations on the Margin left out, because wanting in the Latin Manuscript, as Page 83, and 144. The Transcriber, though a good Penman, yet hath neither understood Latin nor History well, nor was his Copy ever perus'd by the Author. However, it's hop'd that no important Mistake hath escap'd; but if any Gentleman be so kind as to impart what he discovers to the Bookseller, they shall be fairly considered if ever we come to a Second Edition; and the Manuscript in the Lawyers Library at Edinburgh shall be consulted, which the Publisher knew nothing of till this was translated. There are also some Latin Verses and  
Terms

*Terms of Art, which it was thought advisable to exhibit without Translation, as tending more to the Embellishment of the Discourse than any way needful ; and the Verses especially would have sounded harsh in English, except they had been turn'd into English Metre with a Flame equal to that of the Original : But the Learned know them, and for others they will understand the Controversy as well without them. The Translator begs a favourable Censure, as having undertaken it for the Honour of his Country, and committed no wilful Mistake. The Latin Manuscript may be seen by those who have a mind to it, at the Bookseller's.*

Vale.

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## ERRATA.

Page	Line	
18	19	read, <i>Azzaroviana</i> .
24	4	r. prove that.
27	9	put , after those.
63	9	, after Client.
70	16	r. Logician.
89	28	r. several.
91	9	r. that question.
95	1	dele him.
133	ult.	r. them for then.
166	24	for British r. Pictish.
191	11	r. then for than.
229	20	r. History.
280	8	r. Vassals.
317	10	r. their Founders for their Authors.
365	26	r. <i>Alvarottus</i> .
	27	, after <i>Hottomannus</i> .
366	13	r. <i>Plantagenet</i> .
420	11	dele , after David.

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# ERRATA

Page	Line	Correction
18	18	Read, "Aggravation"
19	4	"Read, "that"
20	9	"Read, "inter-rhine"
21	0	"Read, "after Clench"
22	10	"Read, "Logician"
23	08	"Read, "General"
24	9	"Read, "this question"
25	1	"Read, "this name"
26	12	"Read, "this name for them"
27	13	"Read, "for Smith's n. p. 1811"
28	14	"Read, "this name for them"
29	20	"Read, "Hilfory"
30	8	"Read, "Vallala"
31	10	"Read, "their founders for their Authors"
32	26	"Read, "Almonston"
33	27	"Read, "after Bottommans"
34	13	"Read, "Plantagenet"
35	11	"Read, "after David"

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**A Dispute concerning HOMAGE,**  
 against those who maintain that  
*Scotland is a Fee, or Feu-Liege of*  
*England; and that therefore the*  
*King of Scots owes Homage to*  
*the King of England.*

**C H A P. I.**

*Of the Occasion of writing this Book, and the*  
*Asserters of this Homage.*

**A**BOVE two Years ago, I undertook  
 a Treatise of the *Manner of Fees*;   
 not that I conceiv'd my self capa-  
 ble of giving any new Light, or  
 adding any fresh Lustre to the *Fendal Law*,  
 after the Endeavours of so many Learned  
 Men on that Subject; but because, as is ma-  
 nifest to all Men, the Laws of our Country  
 do flow from thence, as from their Foun-  
 tain, and have a Dependance on the Rules  
 and Maxims thereof. But the Mind of Man  
 being naturally desirous of farther Know-  
 ledg, I began likewise to enquire into the  
 Laws of our Neighbours, to see if there  
 B might



might not be also some Affinity betwixt theirs and the *Fendal Law*: for I perceived that our Law agreed with that of *England*, and that the Customs of both Nations did in most things agree with the *Fendal Law*; tho the English will not own so much, but say, that they use no other Laws than their own, viz. their *Municipal Law*. Yet I was discouraged from pursuing my Design, because I had but little Knowledge in that sort of Law my self, and knew not of any Man who could assist me. However, I did not abandon the Enterprize, as hoping to meet with that in Books, which was not to be met with elsewhere.

Having therefore taken care to provide my self with some Books, and enquired diligently of my Friends if they had any such by them; I was advis'd, by a certain Person, that *Raphael Holinshed*, a late English Historian, had writ much concerning the Laws and Customs of the English, which I was a little surpriz'd at, because I had frequently made use of that Author, and never took notice of any such thing in him; but upon his shewing me the Place in his second Book of the *Description of Britain*, Chap. 8, and 9. I resolv'd on reading of the same, to peruse all that he had writ upon the Subject, to try if I could learn any thing further; and unexpectedly I met with it. *Lib. i. Cap. 22*  
 B where

where he pretends to shew, how the Superiority of the whole Island is vested in the Kings of *England*. And having read it over carefully, I found my Choler begin to rise, and that it happened to me exactly as *Holinshed* had foretold; for there is nothing, says he, which will vex a Scotsman more, or that he takes worse, than to tell him, that *Scotland* is a Fee-Liege of *England*, and that the King of *Scots* owes Homage to the King of *England* as his Liege Lord on that account: and in truth, *Holinshed* was so far in the Right; for what can be more odious to generous Spirits, or which way can you enrage them more, than to brand them unjustly with a Badg of Servitude.

But I was yet more incens'd, and it worse, that none of our Country-men had answered that Calumny, as if they seem'd to own the Truth of it by their Silence. But measuring others by my self, I am apt to impute it to the Negligence of our Country-men, who though *Holinshed* hath been published this sixteen Years, yet satisfying themselves with the Texture of the History, and the Continuation thereof unto our own Time; they look'd over those things which he premises, as being only ornamental, and no way belonging to them. And although we find it very often in the Body of *Holinshed's* History, that the King of *Scotland*

had paid Homage to the King of England; I should for my own part have slighted it, as a thing that could have no weight amongst the Learned, because it was the Testimony of an Enemy in praise of his own Country, according to the Distich against Poggius;

*Dum patriam laudat, damnat dum Poggius  
(hostem;  
Nec bonus est Civis nec bonus Historicus.*

But it happened far otherwise, for Joannes Bodinus, Lib. 1. Cap. 1. *de Republica*, falls into that same Error by reading the English Histories, and writes, that the Kings of Scotland *did formerly acknowledg the Kings of England their Liege-Lord*; but they have now forborn doing so for about three hundred Years. And Bernard Gerard a Modern French Historian, in *Philippe 1. Lib. 7.* asserts, that Scotland is a *Fee-Liege* of England, although the Scots do at this time deny it; and both those Authors are very Learned Men, though unacquainted with our Affairs. And therefore lest by this Silence of ours, the Error should spread further, I resolved to obviate the growing Distemper, by some healthful Antidote, and to examine all the particulars of this Controversy with the utmost Diligence. Holinshed might indeed be born with, if contenting himself with his

Argu-



concerning HOMAGE.

5

Argument, he had abstain'd from ill Language; but in his Satyrical Invektive, besides what he says of our Poverty and Want, he upbraids us continually with Sluggishness and Perfidy, which by his leave, are Crimes that may as justly be charg'd upon others. But seeing he has perhaps some reason to charge us with Poverty,

*Leniter ex merito quicquid patiare ferendum est;*

we can patiently bear what we deservedly suffer; for we may want Riches without being criminal or justly reproach'd for our Poverty, and others may enjoy them without any great Credit: So that I may say with Tacitus, *I know not whether the Gods have withheld Riches from us out of Love or Anger;* seeing it's possible as Horace says,

*Sub paupere lecto*

*Reges & Regum vita præcurrere amicos;*

That Men of greater worth than Kings or Courtiers may live in mean Cottages. But no Man can own himself Vicious, without being content at the same Time to be reckoned Infamous; and notwithstanding all this, our Condition is such, that our Poverty is no way burdensome to us, nor have we any occasion to beg greater Riches from our Neighbours. And as for our Cowardice and Perfidy, we shall treat of them afterwards.

The Motives which induce me to a Treatise of this kind, are, First, the Duty which I owe to my most gracious Sovereign, from whose Majesty and Authority *Holinshead* would not a little detract by this Invective: for there can be no Majesty where there is not a Sovereign Command; neither does he retain the Rights of Sovereignty, who acknowledges another to be superiour to himself, or is obliged when call'd on, to answer at his Court. The next Motive is, Love to my Country, which by the Homage as thus asserted, seems to be rendred unworthy of the Name of a Kingdom, and is in a manner depriv'd of its Sovereignty, and therefore it is my design to vindicate the same from all imputation of Vassalage, lest that hateful Calumny should obtain Credit, and lead Posterity into a Mistake, but chiefly, lest others by a foolish Credulity should swallow down the Assertions of every Author as undoubted Truths. For why is it not as lawful for me to clear my Country from this odious Calumny, as for *Holinshead* by his insolent way of Writing, to load it with Infamy? and I hope that our Neighbours will pardon me, and not take this Work amiss, at least such of them who are of an equal Temper, because I have not entred the Lists without Provocation; nor can they be justly offended, if by solid and true Reasons, I deprive

deprive them of this little point of Honour:  
for according to the common Saying,

*Turpis ejicitur quam non admittitur Hospes;*

It's more disgrace for a Landlord to be  
thrown out, than not admitted; so it will  
be more for their Credit, if I make it ap-  
pear, that they never enjoyed this fictitious  
Superiority, than that they were beat out of  
it 300 Years ago. For as to the real Glory of  
the English Nation, who have fill'd Europe  
with the Fame of their Great Actions, I am  
neither desirous nor capable of drawing a  
Vail over it, by this small Treatise.

To prove this Homage, the common sort  
of English Historians put all their Wit and  
Art on the Tenterhooks, especially Geffrey  
of Monmouth, William of Malmesbury, Henry  
of Huntingdon, Matthew Paris, Matthew  
of Westminster, Roger Hovedon, Florence  
of Worcester, and Thomas Walsingham, all  
Monks: But they content themselves with  
the bare Assertion of this Homage's having  
been paid, and touch it but briefly in the  
Course of their History. But others carry it  
further, and laying aside all Modesty, affirm,  
that this Homage was paid for Scotland;  
though those are indeed but few, nor do they  
assert that it was ever done above once or  
twice. But they who professedly handled



this Question, were two Kings, both of them of great Fame and Repute, *Edward I.* and *Henry VIII.* the former when sharply reproved by Pope *Boniface VIII.* for harassing the Scots with an unjust War, on Account of that Superiority over them which he had feigned to himself by an Erroneous Opinion, did for his own Vindication alledg many Reasons, some of which were feign'd, and others of them made nothing to his purpose of proving that Superiority which he claim'd over *Scotland*. But *Henry VIII.* seeking for an occasion of War against King *James V.* of *Scotland*, did at last pretend this for one, that he would recover by Force of Arms, the Right of Superiority that the Kings of *England* had over *Scotland*, but which his Ancestors had neglected; though we all know that there was another cause of that War, which is also own'd in the beginning of his Declaration: For *James V.* having promised to meet his Uncle at *Tork*, that they might consult together about the Conjunction of the Kingdoms, and what might be for their mutual Advantage; he was at last compelled to break the Appointment, by the Authority of the Pope and Papists, who then made no small Figure in the Kingdom, and were afraid lest that Conference should have issued in a Reformation. *Henry VIII.* being a Magnanimous Prince, provoked

provoked by this Affront, and unwilling to bear it, thought the Breach of the Appointment not to be a sufficient Cause of War, and therefore founded it upon the Pretext of regaining the former Superiority, which gave rise to that called the *nine Years War*, famous for Mutual Overthrows, but wherein the Scots did indeed suffer most. Both those two Potent Kings above-mentioned, the one in his Apology to the Pope, and the other in his Declaration of War, do most tenaciously assert this Homage to be due from the King of Scots, to the Kings of England, but with more Confidence than Reason; and after them it is asserted by *John Leland*, who was supposed to have been the Author of that Declaration. And *Holinshed* musters all their Arguments together, but thinking them either insufficient of themselves, or at least having a Mind to show the Goodness of his own Parts, and the Force of his Pen; he adds many things of his own Head, wrests many things which he finds in other Authors, feigns abundance as if they were made before-hand, and ascribes many things to other Authors which they never so much as once thought of. But,

*Improvissum aspris veluti qui sentibus anguem  
Pressit humi, nitens trepidusque repente resurgit  
Attollentem iras & cerula cella tumentem.*

So

So *Holinshead* being afraid to venture himself in the Lists, substitutes one *Nicholus Adams* a Pettifogger in his Place, whose Arguments he pretends only to repeat, without adding any thing of his own. But *Holinshead* ought to have remembered that he is no less a Cheat who makes use of Counterfeit Writings, than he who writes them himself; nor is he an honestest Man who puts off false Money, than he that coins it. For my own part, in refuting of *Holinshead*, whom I chuse to answer instead of all the rest, because he hath collected all their Arguments together, I shall only say by way of Preface, that I will bring nothing to strengthen our Plea from any Scots Author, but what I design to prove, I take from English Monuments and Histories, except when the plain Truth of the History is industriously perverted by this Man; and in that Case I am sometimes forc'd to bring things from our own Writers, to give Light to the Point of History: And as I doubt not to make this Author's Malice and Ignorance appear to the View of the World, neither do I refuse any Man for a Judge, who is not altogether void of Judgment himself.

CHAP.



CHAP. II.

*The Definition and Form of Homage.*

THE State of the Question is this, *Whether the Kingdom of Scotland be a Fee-Liege of the Kingdom of England, and whether the King of Scotland owes, or ever did pay Homage to the King of England upon that Account.* The Affirmative is stily maintain'd by all the English. The Scots not contenting themselves with the bare Negative, though that be sufficient in Law, without any thing else, so long as the Plaintiffs don't prove their Point, have both their own Arguments, the likelihood of things past, and also the Presumption of Law on their side, seeing they have been in Possession of their Liberty now for three Ages, even by the Confession of the English themselves; and therefore except the Plaintiffs do clearly make good their Plea, they must of necessity yield the Cause. But that we may not proceed in unknown Paths, we must enquire what this *Homage* is, whence it had its Rise, what is its Form, and when it came first in Use.

This *Homage* then is a *Profession of Fealty*, which the *Vassal* is obliged to make unto his Lord  
by

by Oath, upon the Account of some Benefit received. If we examine the Terms of this Definition, it will appear that *Homage* and *Fealty* are not the same: For *Fealty* is owing during Life, but *Homage* is only perform'd once; Neither is there any Author, who mentions the Swearing of *Fealty* oftener than once, during the Life of the Lord or Vassal. It is said also in the Definition [*which the Vassal is obliged to make unto his Lord*] because there is a certain *Neighbourly Fealty*, when Men are bound to one another by Mutual Oath and Covenant; but this is not the *Fealty* here mentioned, that being only such whereby the Vassal is obliged to defend the Person, Fame, Dignity, and Fortune of his Lord, and to procure and promote his Advantage as much as he can. Nor is this a simple Obligation, but there is a Cause annex'd, viz. *on the Account of a Benefit receiv'd*; so that tho' there should happen an Obligation to *Fealty* by an Oath, except the Vassal receive a Benefit from the Lord upon that Account, it is not called *Homage*. For those things, as I said, are Relatives, and the one cannot be understood without the other, I mean a *Fee*, or *Benefit* and *Homage*: for neither can there be a *Fee* without *Fealty* and the Profession of it, nor *Homage* without an Antecedent Benefit. I said a *Profession of Fealty by Oath*, because a simple Promise

Promise was not sufficient, and therefore the Interposition of an Oath was necessary, for without that, it is not call'd *Homage*, although the Obligation of *Fealty* be permanent. There was a double Form of Oath us'd formerly in *Fees*, and I shall by and by exhibit that which is in Practice now.

The Etymology of this Word is easy; for *Hominium* or *Homagium*, is the Action or Profession of a Man: and the Doing of *Homage* is no other than a Man's Professing himself to be his Lord's Man, and Promising to perform his Military Service faithfully when required, and sometimes also when he is not required; for it is Fidelity alone which is performed and required in those Feudal Actions.

I know that most Learned Men are of a different Opinion, and distinguish *Homage* from *Fealty*; thus, that the former is transfused with more Veneration than the latter, that so they may make the Oath of *Homage* distinct from that of *Fealty*; and thus they require two Oaths, whereas there is only one needful in Law. But by their leave I make bold to say, it is not so; for there was only one Oath, the Form of which was twofold in Law, and we don't read that any Man did ever in that Case take two Oaths. I confess indeed, that among different Nations this Oath was differently administered, in some with more, and in others with less Veneration,

† Abp. 17.  
C. 17.  
lib. 7.  
cap. 31.



Veneration, but so as it was always performed with Reverence. For *Rollo* D. of *Normandy*, when he received *Neustria* from *Charles the Grosse* in Fee, being commanded according to the Agreement to do Homage to the King as his Liege Lord, and to kiss his Foot. *Rollo* when the King stretched out his Foot for that End, having never forgot his Native Liberty nor Fierceness, catching hold of his Foot with great Strength that he might put it to his Mouth, threw *Charles* upon his Back; which mov'd some of the By-standers to Laughter, and others to Indignation, since which Time that sort of Veneration, for any thing that I know, was never requir'd by any Christian Prince but the Pope, except that the King of *Bohemia*, when he was first created by the Emperor, did him Homage by prostrating himself at his Feet. In others, *Bodin* says, that this is observed in performing Homage, that if any Prince who is not a Subject be obliged to do Homage, and performs it with his Hands stretch'd out in the Posture of a Suppliant, and put betwixt those of his Lord, he swears Fealty to him in these Words, *I* being present become Liege-man to Prince *R.* on Account of such a Fee which I hold of him, and for that Cause I promise Fealty to him against all Men. But if he be a Vassal and Subject, then he is obliged to lay aside his Arms,

† Albert.  
Crants.  
Lib. 7.  
Vandaliz,  
Cap. 31.

Arms, his Hat, his Cloak, Spurs and Gloves, and upon his bended Knees put his Hands in Form of a Suppliant, betwixt those of the Prince or his Proxy, and swear Fealty in the same Words: So far *Bedino*. But in paying Homage to Lords, who are below the Dignity of Princes, there is less Veneration used; so that it's sufficient if one stand in a reverend Posture however, and desire Investiture, or the Renovation of it with all Humility, as we express it. Amongst the Spaniards, the Kissing of the Hand alone was reckoned enough for *Homage*, according to *Bederick* of Toledo †. So that the Form thereof depends on the different Way and Customs of each Nation. Fealty then is that Obligation by which the Vassal is bound to his Lord, and *Homage* is the Swearing of that Obligation. Nor is this overthrown by what is writ concerning the Controversy betwixt the Emperor *Frederick I.* and Pope *Adrian IV.* For when the Emperor requir'd that the Bishops should swear Fealty to him as was meet, which was nothing else but doing him Homage, the Pope opposed it, as appears by his Letter to *Frederick* †, in which that wretched Pope pleads, that his Ecclesiastics should be exempted from doing Homage to the Emperor: What becomes, says he to the Emperor, of the Fealty which you have promised and sworn to St. Peter and

\* Lib. 5.  
Cap. 25.  
de Rebus  
Hispaniz.

† *Bedevi-*  
cus, Lib. 2.

and Us? how can you observe it when you require *Homage* from those who are Gods, and are call'd the Sons of the most High, (meaning his Bishops) when you demand *Fealty* of them, and enclose their Sacred Hands betwixt yours? These things, I say, make nothing against my Opinion of *Homage*, seeing it's apparent from thence, that *Fealty* may be perform'd without *Homage*; and in that very Controversy which was finished by a Treaty, it was agreed, that the Order of Bishops should be exempted from *Homage*, but not from *Fealty*, which was no otherwise than to promise *Fealty* in apt words without swearing it; and from that Time to this very Day, Bishops were accustomed both to promise and perform *Fealty* to their Princes, but not obliged to swear it, as in our Time they swear only to the Pope as their Lord: but at what time *Fee* or *Homage* began to come in use, I shall explain in the first Proposition following.

CHAP. I. Of the Origin of the Fealty which Bishops owe to their Princes, and of the Homage which they owe to the Pope.



## CHAP. III.

*At what time Homage began to be known in the World.*

**T**O return to my purpose, and that the whole Matter may be set in a due Light, I shall premise four or five general Propositions, that by considering them and the Arguments brought in this Answer, the Truth of the whole Question may appear even to the most unlearned, and afterwards I shall take *Holinshed's* Arguments and Proofs to task.

Then let this be laid down as the first General Proposition and Rule, That before *Charlemain's* Time, or the Year of Christ 800, the Name of Fee-Liege, Homage or Superiority were unknown to the World; and *Peter Rebuff* a most acute Lawyer, in his Declaration of Fees, says, that the very Name of Fee or Feu was unknown, until the Books concerning the use of Fees were publish'd, which happened in 1170. But his Opinion does not at all please me, for although the Name did not come to us before the publishing of those Books, I am of the Mind, that it was of an older Date, first, amongst the *Lombards*, and then in *France*:  
C for

for *Charles* the Great after he had put an end to his many great and important Wars, growing Old, began to distribute the Countries which he had conquered amongst his deserving Souldiers; to one a Country, to another a Town, to a Third a Farm, reserving to himself a Claim of *Fealty*; and they were to maintain the Charge of the War by their Product, and to take care that the Product might be sufficient for that end, and thus it came on by Degrees: but the Names of *Clients*, *Vassals*, and those of an inferior Order as *Vavasors* and *Vavasins*, were scarcely heard of in this Age; nor before those Times, that is to say, about the Year 900, is there any Writer who mentions the Names either of *Fee*, *Vassal* or *Homage* \*. Neither was *Charles* the Great the first who founded *Hereditary Fees*, nor were they esteem'd or look'd upon as an Inheritance before *Hugh Capet's* Time, who that he might oblige the Nobility of the Kingdom which he had usurp'd, and assure himself of them for Time to come, made those Temporary Benefits which *Charles* and his Successors had granted only for a Time, or at most for Life, hereditary to his own Followers, and then *Homage* began to come in use, and at that time the Names and Foundations of *Lords*, *Vassals*, and of *Fee* it self, which *Charlemain* had laid, were confirm'd; and this *Charle-*

\* Bern.  
Gerard. in  
*Charle-*  
*main.*

*main*

*main* died A.C. 813. and *Hugh Capet* began his Reign Anno 944.

In *Spain* the Name of *Homage* and *Superiority*, began to take place about this very Time; for *Sancius*, Son to *Ranimirus*, received both *Homage* and Tribute from *Gondisalus*, who reign'd beyond the River *Dorrium*. Nor is there any Spanish Writer who makes mention of *Homage* before this Time.

As to what concerns *Britain*, it was later before this Feudal Law and those Names came hither, and that only from *France* and along with the Conqueror, as I am apt to conjecture; yet our Authors alledg that *Homage* was first mention'd in *Athelstan's* Reign: But the Antient English Laws before his Time, which were printed at *London* by *John Day*, in 1568. under the Title of *Agxetvovuxa*, make no mention of *Superiority*; and if the English have any thing which they can produce for themselves, or in Confirmation of their Opinion, I desire them to name me any one Writer, who before that time makes the least mention of *Fee* or *Homage*. I take no notice, as I told them, of the mention of *Fealty*, since that may be neighbourly. and us'd amongst Friends and Confederates, neither indeed will they find it mentioned in that sense; and if the Names of *Fee* and *Homage* were not known to the World till that Time, with what



Countenance can the English Writers, and chiefly *Holinshed*, affirm, that *Brutus* divided the Island of *Britain*, which was so call'd from himself, amongst his three Sons, *Locrinus*, *Camber* and *Albanactus*, but reserv'd the *Superiority* of the whole to his first born *Locrinus*, seeing the Names of *Superiority*, *Fee*, or *Homage*, were not publickly used for 900 Years or more after Christ, nor for any thing I know read in any Author before that Time? *Brutus* was before *Charlemain* almost 2000 Years, and therefore to ascribe that to *Brutus*, which had not a Being in Nature till almost 2000 Years after him, is perfectly to impose upon Mankind. If in *Justinian's* Time, which was about the Year 500, there had been any mention of *Homage*, *Superiority* or *Fee*, it would never have been omitted by the famous Lawyers of that Age. As for that fictitious History of *Brutus*, it is expos'd to ridicule and hissing by our *Buchanan*; and that I may speak softly for fear of offending those that hear me, it is esteem'd a Milesian Fable by *Polydore Virgil*, a most Learned English Historian, and therefore he calls it a new History lately dropt down from the Clouds, and unknown to all the Antients till *Geffrey of Monmouth's* Time, of whom afterwards.

## CHAP. IV.

*At what Time Kings began to reign over that part of Britain which was a Roman Province.*

THE second Proposition is this, That before the departure of *Ætius* the Roman Legat from the Province of *Britain*, which happened in the Time of *Arcadius* and *Honorius*, there was no King over all that part of *Britain* which was a Roman Province; nay, I affirm, that even after his departure there was no certain nor stable Form of a Kingdom in the same, until the Conjunction of the Saxon Heptarchy, which fell out about 835, in the Time of King *Egbert*; and what Reasons I have for this Assertion, I shall by and by declare.

*Julius Cæsar* (whom *Tacitus* deservedly calls a very great Author) was the first who entred *Britain*; and as a Person who loved Glory, and that he might not be any way wanting to himself on that Head, he testifies that he had search'd diligently into the Antiquity of the Nation which he had conquered, but could never find by what or how great People it was inhabited, nor learn their manner of War, or by what Customs they

\* Lib. 4. of  
his Com-  
mentaries.

† Lib. 5. of  
his Com-  
mentaries.

of they liv'd \* : and afterwards he asserts, that the innermost Parts of the Island were inhabited by those who call themselves Natives by Tradition, but the Maritime Places were possessed by those who had come over from *Belgium*, either to make War or get Booty †. So that if either *Cassibelian* or *Cassivelan*, or any other had at that Time govern'd all *Britain*, as is feign'd by those Triflers, *Cesar* would never have omitted it, because it had been more for his Fame and Glory to have fought with the Monarch of all *Britain*, than with the petty Princes of one Town or Province, or at least he would have some where made mention of this Monarch of all *Britain*. But *Cesar* speaks of four Kings in *Kent* it self, which is but a Corner of *England*; and besides those he mentions King *Imanuentius*, and *Mandubratius*, and that almost every City had its own King, of whom most part sent Ambassadors to him for Peace before he came over, than which there can be nothing more contradictory to *Britain's* being then one entire Kingdom. And *Cesar* himself makes no mention of *Cassibelian*, except in his second Expedition, neither does he then dignify him with the Title of King: He does also take notice of his having made continual War with other Cities before his Arrival, and describes his Boundaries. Nay, *Bede* an Englishman (and the only antient

Writer



Writer that they have) does not call *Cassibelan* a King, but General of the Army, and says, that he only commanded over one City which was taken by *Cæsar*. However it appears from both Histories, that he was a prudent Person, and entrusted with the Management of the War against the Romans by the other Cities and petty Princes. *Tacitus* in the Life of *Julius Agricola*, who also was his Father-in-Law, and went to and again through the Heart of *Britain* for eight Years Time together with his Forces, and could not possibly be ignorant of the Truth, does yet more plainly make for us. *Of old*, says he, *before the Arrivall of the Dictator*, the Britains were govern'd by Kings, but now they are broken into *Factions and Parties* by their Princes; nor is there any thing of more advantage to us against those most valiant Nations, than that they don't consult together: for the Union of two or three Cities to withstand the common Danger is very Rare, so that while they fight singly, all of them are conquered. But if any one King had been set over them all, he might both have obliged them to hold publick Meetings to withstand the common Danger, and have prevented the fighting of single Cities by themselves. And a little after he adds, *When the Britains bewail their Servitude*, they complain that formerly they had each of them their particular Kings, but that

now they have two impos'd over them, viz. the *LEGAT* who preys on their Lives, and the *PROCTOR* or *Questor* who seizes their Estates. These things sufficiently prove, there was not any one Man who at that time commanded over all *Britain*, but that their condition was the same with their neighbouring Country of *Ireland*, which *Tacitus* affirms to have been then also govern'd by many little Princes, as it was by five Kings when it submitted to the English. If in *Kent* alone there were four Kings, how many must we allow to all *Britain*? for both the *Silures* and the *Brigantes* had their own Kings, as appears from *Tacitus*; and *Claudius Caesar* triumph'd over *Gethus* King of *Orkney*. In *France* there were as many Kings as Provinces, as is manifest from *Caesar*; and that it was the like in *Spain* appears from *Livy*. *Vopiscus* gives an account of nine Kings in *Germany*, who conven'd to meet *Probus Caesar* \*. In *Illyrium* there were five, and in *Greece* there were seventy Kings who combin'd in the War against *Troy* †. Whence it is so much the more to be wondered at, what this Man meansto assert so rashly, that the *Britains* had a form of Government different from other Nations, and that one Man reigned over the whole. What is writ concerning *Lucius* King of the *Brittons* or *Britains*, that he was the first who embraced the Christian Religion,

\* Fl. Vopisc. in vita Probi.

† Dictys Cretensis.

Religion, I am of Opinion, that he was not a *Britain*, or at least not King of all *Britain*, and that that Epistle of Pope *Eleutherius* to *Lucius* is a Counterfeit; for none of the Roman Pontifs, either at that Time or for some Ages after, before the Emperor *Phocas* who reign'd in 602, did ever arrogate the Name of Pope to themselves; and the very Name *Lucius* is a Roman, not a *British* Name. It's certain that none of the Antients except *Bede*, make any mention of this *Lucius*, and neither does his Computation agree with the true Chronology; for that Epistle of *Eleutherius*, printed at *London*, bears date in the Year of Christ 169, at which Time *Eleutherius* was not Bishop or Pontif of *Rome*: but according to *Bede*, those things were transacted betwixt *Lucius* and *Eleutherius* in the Year 156, and so there is the Difference of thirteen Years betwixt the Calculations. To which may be added, that *Eleutherius* in his Epistle takes notice, that *Lucius* and the Nobles of *Britain* desired that he would transmit the Roman Laws to them, that they might make use of them; but this is not very probable that any Nation would have born with the change of their Antient Laws: and moreover, when that Letter was writ, *Britain* was a Roman Province, and from the Time that it became such, which was



\* Lib. 7.

140 Years before, had already received the Roman Laws: for the Romans imposed their own Laws upon their Provinces, and abolish'd their former Institutions. I shall only bring one Example from *Cæsar* \*, where *Critognatus* aggravating the severity of the Roman Government, says, if those things which are done in remote Nations be not known, look but into the neighbouring Country of *Gallia*, which being reduced to a Province, their Laws and Customs are chang'd, they are subjected to Roman Officers, and oppress'd with perpetual Servitude. But let us consider what *Eleutherius* answers, he says, that it was always in his Power to reject the Roman and Imperial Laws: Now if this could be born with in him who was a Roman Subject, and also a Christian Bishop, let others judg; certainly his calling *Lucius* God's Vicegerent in his own Kingdom, does not agree well with the Roman Authority, of which he ought to have been very tenacious. There are some places of Scripture mentioned in that Epistle, which are not very well accommodated to the Matter in Hand; and in fine, the whole Letter savours nothing of the Learning of that Age. These are the Things which occasion my doubts of the Truth of that Epistle; neither is *Bede* a sufficient Witness for things done 600 Years before

fore his Time. Yet it may be that the Romans then suffered some petty Princes to enjoy the Royal Name, as *Tacitus* writes concerning King *Cogidunnus*, who he affirms was left King by the Romans, not to govern, but that according to the antient and long received Custom of the Romans, they might have Instruments of Servitude, and amongst those Kings as well as others. Moreover, in what part of *Britain* this *Lucius* did reign, or how far his Command extended, Writers don't say, nor does it appear more that he was King of *Britain*, than that he was King of *Scotland*, which was then part of *Britain*: and therefore it's plain that the Romans had petty Princes in this Island, who might serve them as Instruments of Servitude; but there was no Man intrusted with the Government of the whole Island, or that had Authority to assemble the People.

*Tacitus* says, that *Caratacus* and *Galganus* were Generals who excell'd in Nobility and Power, yet does not give them the Name of Kings, except that in one place he calls *Caratacus* King of the *Silures*, but not King of *Britain*, as *Cartismandua* reign'd over the *Brigantes*; but from both of them it's apparent enough that the *Brigantes*, *Silures* and *Jugani* had each of them their own Kings.

But

But that this whole Matter may be the more easily understood ; let us examine what was the Roman way of governing a Province, and at what time *Britain* became a Roman Province. As to their way of Government, it is certain, that when the Romans had subdued a Country, they us'd to exauctorate the former Magistrates, reduce the Country into the Form of a Province, and substitute new Roman Magistrates, viz. a *Prætor* and *Quæstor*, the one to administer Justice to those of the Province, and command the Army, and the other to gather in the Tribute ; so that there was no Province which did not pay Tribute to the Romans, and obey their Magistrates, except that some Cities, for their former Services to them, were exempted from Taxes and Tributes, and left in the Enjoyment of their Antient Laws: And so it was as to Kings, whose Realms they us'd to leave free on that same Account, and then they were called the *Roman Associates* : for as *Cæsar* testifies elsewhere, *Fabius* overcame the *Arverni* and *Rhuteni* ; but the Romans pardon'd them, and did not reduce them into the Form of a Province. But when either a Country or Kingdom was reduc'd into a Province, first they took away their Kings, that they might have no General to head a Rebellion, then they appointed



pointed a *Prator* or *Præses*, who had the sole Command; his Badges were six Fasces, or Bundles of Rods, with Axes; and Lictors, or Serjeants went before him: The *Prator* summon'd Courts and Conventions, decided private Causes, or delegated others to do it; he commanded the Army which was assign'd him for Defence of the Province, rais'd new Troops, cashier'd others, and had the Administration of all things relating to Peace and War. The *Questor* was over the Tribute, Imposts and Customs, whether of Money or Provisions, and kept the Publick Accounts, as I formerly observed from *Tacitus*: Neither was there any thing more unusual in a Province than a King, nor a greater sign of Rebellion, than for those of a Province to set a King over themselves, as we shall afterwards show in *Carantius*. Nor could those of a Province obey a Roman Legat and a King at the same time, for the Power of the one did wholly abolish the Power of the other; for of what use could a King be without Power or Command, Army, Jurisdiction, Tribute, Customs, or Authority over the Provincials? Nor is it likely that the King would obey the Legat, who was at that time his Superior, or that the Legat would obey the King. Those who would inform themselves further concerning the Antient Law of Provinces,

Provinces, may read *Charles Sigonius*, who hath published a particular Treatise on that Subject, and they will find that I have advanc'd nothing but Truth.

It remains that I show at what time *Britain* was reduc'd into a Roman Province. Some ascribe it to *Cæsar* the Dictator, as the first who subdued *Britain* by Arms, made it Tributary to the Romans, and demanded Hostages: Yet seeing he did not enter into the furthestmost Parts of the Island, but return'd again to *France*, he seems rather to have pointed out than subdued *Britain* for his Successors. *Tacitus* says, That Legions and Auxiliaries were brought over by *Claudius*, and that then the People were subdued, their Kings made Captives; and the first Consulat establish'd in the Person of *A. Plautius*, 140 Years before the Reign of this *Lucius*. So that it seems altogether monstrous to imagine, that the *Britains* enjoy'd their own Laws and Kings in the Time of *Eleutherius*; and *Tacitus* sets down the Number of the other Governours of *Britain* to his own Time, that is to say, till *Domitian's* Reign. Certainly *Claudius* did so please himself with this Conquest, that he led the *British* Kings in Triumph, and took care to have his Son saluted by the Name of *Britannicus*. I have perhaps been too prolix upon those Things, but I was willing

willing to undeceive our Neighbours as to their Opinion, that *Britain*, though reduc'd to the Form of a Province, enjoy'd its own Laws and Kings, who were, according to this vain Conceit, endowed with Sovereign Authority; and therefore I conclude it to be highly improbable, that during the Time of the Romans in this Island, any one King had the Government of the Provincial *Britains*. *Gildas*, whose Credit is most esteem'd by *Polydore Virgil*, and *Bede*, the one a *Britain*, and the other an Englishman, are very full in their Evidence for this Matter; for *Gildas* affirms, that the British Government was administred by their own Countrymen before the coming of the Romans, but makes no mention of any Kings. Next, he says, that the Island was govern'd by the Romans, whom he calls *Transmarine Kings*; and blaming the Cowardice of the *Britains*, he says, that the Romans brought Laws into the Island, and subdued the unwarlike and perfidious Nation, not so much by Arms and Engines, as they did others, but by meer Threatnings and Menaces of Punishment; and he describes their Cowardlinefs so graphically, that he says, the Romans at their going away, set some of the Natives over them, who to use his own Words, *were to make the Whip cleave to their Backs, and the Yoke to their Necks*, that so they might chastise  
the



the deceitful Nation ; not so much by Military Force, as by Rodes. *Bede* acknowledges that *Britain* was unknown and inaccessible to the Romans before *Caius Caesar's* Time : so that neither while the Roman Empire stood, nor before *Caesar*, was there any King over all *Britain*, or any who govern'd that part of it, which was not subject to the *Scots* and *Picts*. *Bede* writes, that the Romans reign'd in *Britain* 470 Years, from the Time that *Julius Caesar* entred the Island ; but that any other reign'd in their Province during that Time, there's no probable Reason to be alledged for it. But when the Roman Power declin'd, and that the *Britains* were not able of themselves to withstand the Invasions of the *Scots* and *Picts*, they begg'd Assistance from the Romans, with lamentable Complaints, but in vain. So that being rejected, they chose, in a tumultuary manner, one of the Antient British Blood named *Vortigern*, whom they called *Captain*, or *King*, for I find him under both those Titles ; and after him *Aurelius Ambrosius*, who was the only One of the Roman Stock left in *Britain*. *Vortigern* perceiving that he had not Strength enough of his own to oppose his Enemies, perswaded the *Britains*, who were then at a Consult about their Common Safety, to hire Saxon Auxiliaries, which issued in their De-

Destruction; for when the Saxons, who came at first only with three Ships, observ'd the Fruitfulness of the Island, and the cowardly Temper of the Inhabitants, a greater Number followed in 35 Ships, turn'd their Arms against the *Britains*, and divided all *Britain* into seven, some say nine Kingdoms, amongst themselves; From that Time, which was in the Year of Christ 456, or according to others, 459, that *Hengist* arriv'd in *Britain*, until King *Egbert's* Reign, under whom the seven Kingdoms were United, It's certain, that there was no King who reign'd over all *Britain*; for what's writ of King *Constantine*, and the Auxiliaries which came from *Britany* in *France*, are meer Fables: Nor does *Bede* and *Gildas*, the Historians of those Times, make any mention of them. But to what End is all this Discourse, may some say? Or what relation have those things to the Homage which was owing, and perform'd by the Kings of *Scots*? I answer, very much; for if there was not at that Time one King over that Part of *Britain*, which was a Roman Province, but either none at all, or more than one, it must necessarily make out what we affirm, viz. that there was no Homage due, during that tract of Time, from the King of *Scots*, seeing there was no other to whom it could be due, nor no Fealty sworn, when there was none

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to

to whom it could be sworn ; for to suppose that it was perform'd to all of them together, is absurd. But if any Body object, that by this Proposition I derogate from the Credit of the whole English History, I would pray him to suspend his Judgment, until he hath also perus'd the following Proposition, and compar'd it with that which went before.

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## CHAP. V.

*That the English have no certain History before the Conquest, except those things which are related by the Roman Writers, and Gildas or Bede.*

**T**HIS is the third Proposition ; That most of what we find in the English History before the Conquest is vain and trifling, and almost all of it uncertain, except what is writ by the Roman Historians, and Gildas or Bede ; and especially what is said concerning Brutus, Cassibelan and Arthur, is wholly vain and deserves no Credit. For the Original of Britain, and the first Transactions of the Inhabitants, lies buried in a greater obscurity than that of the Cimmerian Darkness. Caesar testifies, that there were no Monuments, nor Memorials of Antiquity



tiquity in that part of *Britain* which he  
 saw, though it was the chief Part then, as  
 it is still, both for the Number and Wealth  
 of the Inhabitants. But amongst those  
 who inhabited the Inland Parts, and were  
 nothing so cultivate, it was far less to be  
 expected: so that when he enquired at them,  
 concerning the Original of their Nation,  
 and the first Inhabitants of the Island; he  
 tells us, that he could learn nothing of cer-  
 tainty \*. But *Tacitus* † (whose Father-in-  
 Law *Agricola* entred into the innermost  
 Parts of *Britain*, search'd it thorowly for  
 eight Years Time, and from whom nothing  
 could be hid, because of his Authority) is  
 more exprefs for us; and says, that as to  
 what sort of People did first possess *Britain*,  
 the Inhabitants, like other Barbarians, could  
 give but very little Account. Who then  
 can bear with *Geffrey* of *Monmouth*, a most  
 impertinent Trifler, as the English them-  
 selves call him; who forms such a distinct  
 Story concerning *Brutus* his Grand-father,  
 Great-grand-fathers, Son's Mother and Off-  
 spring, and in a word, his whole Pedigree,  
 and describes their Names, Affairs, Life and  
 Death, though above twenty Ages before  
 himself, as accurately as if he had been their  
 Fellow-Citizen, or writ his History in their  
 own Time; though he did not begin the  
 same until the Year 1150, or thereabouts?

\* Lib. 4.  
 and 5.  
 † In vita  
*Agricolæ*

\* Lib. 4.  
c. 1.

And whereas *Cæsar* testifies, that there were no Memorials of things past kept in *Britain*; and that the Antiquity of that Nation was altogether unknown: Yet *Geffrey* \* relates, that when *Cæsar* came to the opposite Shore of the *Morini*, saw the Island, ask'd who the Inhabitants were, and understood the Name of the Kingdom and People, by *Hercules*, says he, they the *Britains*, and we Romans, are of the same Original. For *Æneas* after the Destruction of *Troy*, was our Founder; and *Brutus* begotten by *Silvius*, Son to *Ascanius*, and Grandson to *Æneas*, was theirs; but certainly they know nothing of Warfare: and abundance more which deserves rather to be entertain'd with Laughter and Scorn than confuted, seeing they do so plainly contradict *Cæsar's* own words. I submit it then to the Judgment of the Candid Reader, what Evidence either the *Britains* or English can produce for those things. It is certain that there can be no preservation of the Memory of things past, nor continuation of the remembrance of things present, without the help of Letters, seeing the Memory of Man is terminated by the space of one Age. But it is evident from *Tacitus*, that there was no use of Letters in *Britain* before *Cæsar*; for he relates that in the Time of his Father-in-Law *Julius Agricola*, who was *Domitian's* Legat in *Britain*,  
the

the British Youth began to be instructed in Roman Letters, (as the *Americans* are now by the Assistance of the Spaniards) that they excell'd in the same, and that *Agricola* used to prefer their Wits to those of the *Gauls*, because they studied Eloquence: and therefore before that time, *viz.* the Year of Christ 83, when *Domitian* began to reign, it's apparent enough, that there were no Letters nor Memorials of things past in *Britain*. But some may object, that although the Romans wrote nothing concerning British Affairs, yet there were many British Writers, who it's probable would not have left themselves destitute of some Monuments or Memorials of their own Affairs: I answer, how could they continue their History, or by what Characters did they write it; for the Latin Letters had not then reach'd them, and they were ignorant of the Greek for many Ages after. But *Gildas* shall answer this Question for me, who is the eldest of all the British Writers, was born in 498, three Years before *Arthur* if there was any such Person; and wrote about 540, after the Ruin and Dissolution of the British Kingdom: and when he bewails the Subversion of his Country by the Saxons, he testifies, that there were no Monuments of the British Writers left, or if there were any, that they were either burnt by the Enemy,



nemy, or dispers'd and lost by the Exile of his Countrymen, so that there were none of them to be seen in his Time : Here he plainly distinguishes betwixt these two, either that the British Historians left no Monuments behind them, which is most likely, or that they were destroyed by the Fury of the Enemy. Whence then can those numerous Victories, and illustrious Actions of the *Britains* be instructed, when all Authors do unanimously call them a cowardly and perfidious Nation? I believe that it happened to them as it did to the Holy Relicks, for about 1000 Years after Christ's Passion, all the Parts of the Cross on which he suffered, as also the Column, and other Relicks now in Esteem, were found in places far distant from one another; and if any Body ask how they could come thither, they forthwith have recourse to Miracles, by which they confirm the Matter. *Polydore Virgil*, a Modern Writer, testifies the same Thing, as having with extraordinary Care, search'd into all the Writings of the Antient *Britains*, and for that end unlock'd all the Cabinets and Records of Monasteries, and that by *Henry* the 8<sup>th</sup>'s Command, which no Man did ever neglect with Impunity. This Author then speaking of the History of the *Britains*, affirms, that the whole is full of Obscurity, and that he had no leader whom he

he could follow. But *Geffrey of Monmouth*, and our *Holinshed* reckon up Fathers and Grand-fathers, and not only deduce the whole Series from the Egg with the double Yolk, the celebrated *Trojan War*, but from a much older Period, *viz.* from *Gog* and *Magog*, and old Father *Dis*, lest they should come short of the *Gauls*; and in fine bring it down from the Time of the *Gigantick* Duels which they would fix as the Poll-Star of the British History. So much concerning *Gildas*. We shall touch on *Geffrey of Monmouth* afterwards, when we come to his *Arthur*. After *Gildas* comes *Bede*, who brings down his History as far as 734, almost to the Reign of *Ceol Wulphus* King of the West Saxons: His Credit I shall every where preserve entire, to let it be seen that I deal fairly with *Holinshed*; From his Death, or rather from the End of his History, which falls about 734, to the Time of *Henry I*, who began his Reign in 1110, I maintain that the English have no certain History nor Writer, except the Fragment of *Ethelwerd* who flourished about 1090, be reckon'd an History; for I don't acknowledg the Fragment of *Ingulphus*, who preceded *Ethelwerd* twenty Years, as an History; and *Asserius Menevensis* wrote only concerning the Transactions of his own King *Alfred*. But lest I should seem to have affirm'd any

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\* Lib. 1.  
Fol. 23.

thing rashly, I shall bring English Historians to witness this Matter. *William of Malmsbury* \* says, that all the Memorials of Transactions from the Death of *Bede*, to his own Time, which was in the Reign of *Henry I.* about 1142, were utterly lost; nor was there any who followed that study, or endeavoured to pursue the Thread of the History; and one slothful Man being always succeeded by another more slothful, the desire of Learning was for a long Time abated in this Island, so that he had no other way to inform himself concerning the Transactions of those Times, but by the discourses of antient Men. And the Author of the Prologue to *Malmsbury's* first Book, does ingenuously confess, that the History of 225 Years after *Bede's* Death is intirely wanting: so that even by his Evidence, there is nothing of certainty to be found in the British History from 734, which was the Year of *Bede's* Death, to the Year 957, but all things were founded upon the Rumours of antient Men, and it may be old Wives Fables, which being collected together into one Book, and put in a Latin Dress, made up as it were the shadow of a History, from whence *Holinshed* does nevertheless bring most certain Arguments to establish his fictitious Homage. *Florence of Worcester* agrees in most things with *Malmsbury*, for they were



were Contemporary. He says, That after *Bede's* Death the English History ceas'd, but that for his own part he had left things to Posterity, either as he found them in the Text of the English Chronicles, or as he had them from the Relations of Men worthy of Credit, or heard and saw them himself. As to what concerns the Text of the English Chronicles, he mentions them that he may deceive his Reader with the greater Facility; for if there was any Chronicle of those Times, seeing *Florence* liv'd about the Year 1148, they must still remain in the Archives, which hitherto no English Author did ever alledg, or hath been able to demonstrate; for that Chronicle, as is observ'd by the Prologue, did only set down the Number of Years: And as to those things which he wrote either from the Relations of Persons worthy of Credit, or what he heard himself as certain Truths, neither those things which are related by credible Persons, nor such as one may think of undoubted Verity, are sufficient to bias any Man to the Prejudice or Injury of those against whom they are related, except he produce his Authors, that so there may be room for our Objections against them, as is usual against the most legal Witnesses; and that we have enough of rational Grounds for Objections, no Man of Candor who reads

reads these things can so much as doubt. The Scope of the whole is this, that it may be manifest to all Men, that there is no perfect nor Authentick English History, and that there is no Authority nor certain Proof to be had from thence, as to matters of Moment, before *Henry* the second's Time, when Authors began to commit publick Transactions to Writing, except what is to be found in *Gildas*, *Bede*, and *Ethelverd* above mentioned. But to come to the matter in Hand, if the English can produce me one approved Writer, even of their own Countrymen, who compos'd a History from the Time of *Bede* to that of *Henry* the second, I shall willingly give Ground, and yield this Proposition. They who would be further inform'd, as to the uncertainty of the English History, may read the Prologue to *Malmsbury's* first Book, concerning the Lives of the English Bishops, with the Prologue to *Walsingham's* History, and they will be obliged to confess, that I have neither asserted any thing of my own, nor relied upon the Authority of any Scot-man: and therefore if there is nothing of this fictitious Homage to be found in *Caesar* or *Tacitus*, nor in *Gildas* and *Bede* who came after them, and that the rest of the History is wanting, and that there is no other Author but *Bede*, who writes of the English Saxons and their Affairs, it must necessarily follow,

follow, that whatever things were writ concerning this Homage before the Conquest, may safely be denied without hazarding our Eternal Salvation; for we must not be rash in believing Authors, who neither saw what they write themselves, nor can bring any approved Historians to vouch what they say; as for Example, *Matthew of Westminster*, and *Florence of Worcester*, do both write of things before our Saviour's Birth: but if they neither produce Witness, Author nor Surety for their Fidelity, I don't see why we ought to believe them: Nor is the bare Credit of an Historian sufficient for those things which were before his own Time, if he did not read them in other Historians, but had them only from the Relations of credible Persons; for in that Case the Reader must judg what is to be believ'd, and what not.

It's a general and grievous Complaint amongst the English, that hitherto they have no Historian of Worth, of which they alledg this to be the Cause, that there is no Reward propos'd, answerable to the Toil and Fatigue\*: But in my Opinion they\* *The Prologue to Thomas Walsingham.* are much mistaken, and assign that as the Cause, which is none at all; for there is no Place where Vertue and Learning is more bountifully rewarded than in *England*, and consequently no Nation which abounds more



more with Learned Men. But they have such Historians as they covet and desire, viz. such as pursue Fables instead of Truth; for they cannot endure to have their Histories purg'd of such: Hence it comes to pass, that no Learned Man attempts it, because he sees that he must either offend the People, or lose his Preferment and Dignity, if he omit any of *Geffrey's* Fables, but those are not the Laws of History: For he who is engag'd in such a Work, ought to observe two things; first, That he write nothing that is false, and next that he omit no part of the Truth. *Polydore Virgil* endeavoured to rid his History of those Milesian Tales, and old Wives Fables, but he durst not openly detract from them, though he does manifestly distinguish his History from that new one of the Babler *Geffrey* of *Monmouth*; yet we see he is in no Esteem amongst the English, though he be their only Historian, who has writ with any Judgment: yet in many places he deals unfairly with us, which he does tacitly acknowledg himself, when he says, that he only repeats what others have writ, but abstains prudently from making any Judgment of his own.

CHAP. VI.

*That all the Witnesses brought for the Proof of this Homage are suspected.*

THE fourth Proposition is concerning the Nature of the Evidence, which *Holinshed* makes use of in his virulent Invektive, and of those which are also brought by other English Historians. That sort of Evidence is chargeable with three Faults; First, That it is Monkish; Secondly, That it is Domestick; And in the third Place, that it is the Testimony of one Enemy against another, as the Times then were. As for the Testimony of Monks it is justly rejected; for Monks being as it were dead to the World, and consecrated to Christ alone, they have no legal Right of giving Evidence: for the business of Monks is not to teach, but to mourn, and they are commanded to abstain from all secular Affairs; neither can they exercise the Office of a Clergyman or Scrivener, confirm the publick Faith, or draw up any publick Act to which Credit may be given; but on the contrary, the Title in the Canon Law does expressly enjoin them not to concern themselves with secular Affairs: They cannot be Judges in Temporal

poral Concerns, nor so much as Witnesses seeing they are accounted as dead, and the Voice of Monks is reckoned ghastly. And therefore I say, that if they ought to lead a mournful and solitary Life in their Monasteries, and to abstain altogether from secular Affairs, certainly it's very seldom, if ever, that we ought to trust them in publick Affairs, seeing they are not competent Judges concerning them. For it is not very probable that either the Secrets of Princes, or things belonging to the State, were ever communicated or imparted to them any otherwise than by common Report, seeing they keep at the greatest distance imaginable from all manner of Action, and do oftentimes embrace things doubtful as certain, and Fictions for matter of Fact: and therefore this feigned Homage must of necessity fall to the Ground, for which there's no better Evidence than that of a Monk; for it will not be admitted as a good Conclusion, that because a Monk says so, therefore it is true. This is certainly the common Opinion of all the Learned, that Monks are not to be received as Evidence, especially in great Matters, and such as have no relation to the Monastical State and way of Living, which they themselves did not see, but only had them by the Relations of such as they thought credible Persons. It may be they took



took notice of Victories and the times of War, but they were altogether uncertain as to the Conditions of Peace, Circumstances and Causes of Things, Agreements betwixt Princes, and what was done in Publick and Private amongst Foreign Nations.

But *Holinshed* will object, that this is not the Testimony of one Monk, but of all of them that ever conveyed to us the History of things past. I answer, that this I can deny if an equal Interpretation be allowed me, but however I will grant it; Yet this must be confessed, that almost all of those who wrote the English History till within this hundred Years were Monks, and followed whatever they found in former Histories or Manuscripts, lest they should derogate from the Honour of their Country; so that they made it a matter of Religion to vary, in the least from them. As for Example, let *Florence of Warcester* be supposed the first who wrote of this Homage and Fealty; for I believe he is the very first whom our Neighbours can produce: *William of Malmesbury* and *Henry of Huntington*, who were almost Contemporaries, followed him, as did also *Roger Hoveden*, *Matthew of Paris*, *Thomas Walsingham* and *Matthew of Westminster*, the first leading his followers into an Error, as we see among Cattel, that if one break over the Ditch the rest follow; and con-

conceive that they may lawfully do so when they have the Credit of their Predecessors to support them. To this may be added, that they discourse of things which not only happened before they were born themselves, but at a much greater distance of Time, when mean while they have nothing to make good their Point. For what is it which others then, and they now, may not forge concerning things which were done many Ages before; if, as we say in Court, they produce no other cause of Knowledge but Hearsay and deceitful Fame, which grows as it runs, and of a Flie becomes an Elephant? Moreover, in those Writings of the Monks, there appears a mighty Ignorance of our Affairs: and seeing they don't so much as know the Names of our Kings, they can far less be acquainted with their Actions. In the Catalogue of the Kings of *Scotland*, there's neither *Iresius* nor *Rinaldus* to be found: but those Monks write that both of them perform'd Homage to the King of *England*. That there were then any Kings of *Cumberland*, *Galloway*, *Man*, and the Western Islands, was not so much as heard of; yet these good Monks, that they might advance the Glory of their own Nation, were not afraid to leave it to Posterity, that all those Kings or Roytolets, together with *Edgar* the petty King of *Scotland*,

and submitted their Necks to the Collar of  
*Edward K. of England*, and were tied to his  
Chairs to waite him over the River; but the  
Ignorance of Monks is become a Proverb:  
and as for my own part, I don't think that  
they understood the name of a *Liege-Fee*, or  
what was meant by the *Homage* which they  
talk of, seeing that is understood by few but  
those who have some knowledg of the Law,  
or Judicial Proceedings. Nor were the Monks  
free from Perturbations of Mind, and their  
Passions of Love toward their own Coun-  
try, and Hatred against their Enemies; and  
being shut up in Cloysters, they are so much  
the more obnoxious to their Passions and  
Affections, from which Historians ought to  
be freer than others. Nor was there any Or-  
der of Men who did more hunt after Cour-  
Applause by Flattery and Assentation, than  
they; as knowing that it was a sure Way of  
obtaining the Favour of their Princes. Nei-  
ther must this be past over, that it is no new  
thing among English Historians to have  
Fictions for Matters of Fact, supposititious  
Stories instead of Realities; and some-  
times true Histories corrupted either by  
adding or diminishing, as they thought it  
conducible to the Honour of their Nation.  
*Polidore Virgil* is a famous Witness of the  
former, as to the Counterfeit History of  
E Gildes



*Gildas* and others, and the Author of the Prologue to *Matthew of Westminster*, is Evidence for the latter, in those Words; "You  
 " must not wonder, says he, though you  
 " perceive most Authors to be so much in-  
 " jur'd as to have their Writings adulterated  
 " by the Fraud of Posterity, seeing some  
 " Men are come to that height of Impu-  
 " dence, that by adding and diminishing,  
 " they make any Author, how pious so-  
 " ever, to patronize the most execrable Vil-  
 " lanies, according as they have a mind to it.  
 How easy then was it to insert in those Mon-  
 kish Writings, when they take notice that  
 the K. of *Scots* did sometimes pay Homage to  
 the K. of *England*, as the latter did to the  
 K. of *France*; that the said Homage was paid  
 for the Kingdom of *Scotland*, as we shall af-  
 terwards explain more at large? Nay, the  
 Truth of the Monastick Writings is in many  
 places questioned by *Holinshed* himself in his  
 History. We must also consider the Time  
 when those Historians wrote, which was in  
 the Heat of the War, when the Nations  
 were eagerly fighting about this very Ho-  
 mage, viz. in the Reign of *Henry* the Se-  
 cond. About whose Time liv'd *Florence*  
*of Worcester*, *Malmsbury*, *Huntington* and  
*Hovedon*; and *Thomas Walsingham*, and *Mat-*  
*thew of Westminster*, wrote in the very Heat  
 of

of that bloody War betwixt Edward I, II, and III. and our Kings about this Homage. In which Quarrel, there fell 300000 Men: And who was it that did not at that Time endeavour to maintain the Cause of his Prince and Country with his utmost-Zeal, and labour to make the Equity of the same appear unto all Men; and patroniz'd it not only by Word and Writing, but by Arms? What strange things did the Monks feign against Henry II. on account of their St. Thomas of Canterbury, who was in my Opinion the most villanous of Men? And that they might advance the Reputation of him, and his Ecclesiastical Order, they speak diminutively both of the Cause and Power of their own Kings. These things prevail with me, as perhaps they may do with the Learned World, not to be over-credulous in believing whatever the Monks assert; but that their Testimonies, which are suspicious enough of themselves, ought to be exactly weigh'd with the Credit of History, and the Probability of the Matters of Fact; as I shall take care to compare them together when they occur, that the impartial Reader may according to his own Candor, judg what is most like to be true. For it is in every Body's Mouth,

*Non audeat Stygius Pluto tentare, quod audeat  
Infamis Monachus, plenaq; fraudis anus:*

Which may be Englished, *Old Nick himself doest heve attempt for Shame  
What's done by Gloystered Monk, and doing*

We have more to say why we suspect the Evidence of the Monks, when we come to their particular Testimonies.

We object against their Probation in the second place, that it's domestick; and how little Credit is to be given to that sort of Evidence; the Customs of every Nation, the Law itself, and daily Experience, does sufficiently demonstrate. This one thing I affirm, that there's no Nation in Europe which admits of domestick Evidence where either the Wealth or Dignity of the Lord is concerned; it being certain that such kind of Witnesses are every where rejected, except the Matter be done within the Walls of his own House, and so as it cannot be prov'd otherwise, or that they are produc'd against the Lord himself: and therefore though the Testimony of those Monks might perhaps be taken against their own Prior or Fellow-Monks, as to things done within the Walls of their own Monastery; yet they are not to be admitted as to the Secrets of State, Peace, War, Judgment



ment of Courts, or Conditions of Peace, and things of greatest moment. What the Civil Law says concerning domestick Evidence, or the Authority thereof, appears plainly by the Rescript of *Valerian* and *Galien*; whose Words are these, *The Credit of Domestick Evidence is also rejected by the Civil Law.* And in saying so, those Emperors seem to follow that Answer of *Paul*, the Tenor whereof is this; *Those Witnesses which the Plaintiff brought from home, I would not so much examine.* But the Emperors *Dioclesian* and *Maximian* are yet more plain; *We ought to make use of those Witnesses, say they, for maintaining the Truth, who chuse to give Evidence for Truth without either Fear or Favour.* And therefore those who give Evidence ought not to depend neither on the Power nor Favour of those for whom they give it: For who will affirm, that the Monks had not the Favour of their Princes in view, or were afraid of their Power, when they writ those things? Lawyers say, that such Men are not reckoned proper Evidence, who can be commanded to be Witnesses; and therefore Subjects in the Cause of their King and Country, an enfranchis'd Servant in the Cause of his Patron, and a Servant in the Cause of his Master, are not to be admitted as Evidence. The Reason given by the Doctors is, because they swear

whatever they are commanded, and suppress the Truth for fear of their Masters. But in our Controversy there are none who give Evidence against us but English-men, subject to the K. of *England's* Power; whom he could compel to give their Testimony, and dictate how they should depone: Moreover, they are such as give Evidence for their Country and its Dignity, and are consequently Witnesses in their own Cause; for that such things as are writ for the Safety and Honour of a Nation, pertain to every one of the Country, no wise Man will deny. And so I absolve this Proposition, having confirm'd it by the Custom of all Nations, the Precepts of all Laws, and Reason it self. And therefore the Domestick Testimony of the English for the Proof of this *feigned Homage*, is not sufficient to prejudg a third Person, but ought to be exploded whenever it occurs, as being justly suspected in all its parts. All the Doctors of the Law maintain, that a Domestick Testimony ought to be rejected. But I shall demonstrate afterwards that we have no great reason to be afraid of the Testimony of those Monks; but on the contrary, that they will make very much for our Cause, if we be but allowed to put a favourable Interpretation upon their words.

The third Fault is yet far more grievous; for we are not only press'd with the Domestic Testimony of the English, but because the Evidence of an Enemy against an Enemy, as Times then were, is received as authentick, and believed more firmly than the Oracles of *Sibylla* or *Delphos*. Law, and daily Practice, do both admonish that Hatred and Enmity ought to be far from a Witness; for there's none of the Affections more violent, or which do sooner incline to Wickedness, than Hatred, when it seizes upon the Mind of an impotent Man; and therefore capital Enmity does exclude a Witness from giving his Evidence in Law. And moreover; We not only forbid the Testimony of one Enemy to be received against another in Law, but do the like if they be but newly reconcil'd; and refuse also the Testimony of such as dwell with an Enemy. But when those things were writ by the English, there were not only Capital Enmities in the Case, (I call them Capital, when two Nations fight with incens'd Minds to decide which shall be Sovereign, and have the Command of the other) but Mortal Enmity, and a Hatred exceeding that of *Thyestes*, when the one Nation conspired to the Destruction of the other, and bent their whole Strength, Actions and Purposes, to

E 4 that



that End; that the Enemies being utterly exterminated and rooted out, the Survivors might enjoy their Place; and how often the English have attempted that against us, will appear from what follows: Then whether or not any Testimony can be admitted from those who not only raged against us by Word and Writ, but committed the most atrocious Cruelties upon us by Violence and Arms, without standing upon what was lawful or unlawful, let those judge who are any way conversant in Affairs: For my own part, I am not afraid of the Censure of any Man who is able to make a just Judgment of things.

There are three things by which all Inferiour Matters are governed amongst us, *viz.* Law, Custom, and Reason; and certainly neither the Laws nor Customs of Nations, nor Reason it self, will allow such sort of Testimonies: For the Law restrains Capital Enemies from giving Evidence against one another. Neither is there any more Credit to be given to an English-man against a Scots-man, than to a Scots-man against an English-man, or to a French-man against an English-man, than to an English-man against a French-man: For what is there which the English and French don't forge against one another? The Carthaginians and Romans do mutually charge

charge one another with the Causes of the  
 Second Punic War; but neither of them  
 are to be believed in their own Cause: and  
 so it was lately in *France* between the Pro-  
 testants and Papists; for no Wickedness can  
 be thought of spoken of, with which they  
 did not reproach one another. How do  
 the Saxons charge the Brittons with Cowar-  
 dice and Perfidy? and *Bede* himself is not  
 free from this Crime, when he does so often  
 ingeminate the traitorous Nation of the Brit-  
 tons. And yet it was the Brittons who suf-  
 fered the Injury, and were most perfidiously  
 compelled to retire into *Wales*: How much  
 better do the *Waldens* of the *Marbhes*, both  
 of *England* and *Scotland*, manage their Af-  
 fairs? For no English-man is condemned  
 either for Theft, Robbery, or Fire, except  
 the Matter of Fact be proven by English  
 Witnesses: Neither can a Scots-man be ad-  
 judg'd to make restitution, except the Eng-  
 lish produce Scots Witnesses against him.  
 And how much more equally did *Hannibal*  
 the Carthaginian proceed, when *Darius* and  
*Blasius* did mutually accuse one another of  
 betraying *Salapia* to the Romans? for he re-  
 jected both their Testimonies, because, says  
 he, they were mutually influenced thereunto  
 by Hatred and Emulation. And *Edward I.*  
 when *Cumin* accus'd *Bruce* of aspiring to the  
 Crown

Crown of Scotland, rejected the Accusation as proceeding from one Rival against another. Shall such then be admitted to give Evidence against one another? Or will any honest Man give Credit to their Testimony? But the equal Judg will suspend his Opinion as to both Parties, until he weighs the Beginning, Progress and Event of things. Those three Faults, or Objections, are every one of them sufficient of themselves to invalidate an Evidence; but if they concur in one Man, there's no Body so unjust as to suffer him to give in his Evidence, or that will give any Credit to him in Judgment, especially when he is not upon Oath.

CHAP.



CHAP. VII.

*This Homage is not consistent with the Feudal Law.*

**O**UR fifth Proposition to prove the Negative as to this Homage, is taken from the Nature of a Feu or Fee; for by the Feudal Law, it is not possible that Scotland can be a Feu of England, or that ever the King of Scotland could be a Vassal thereof, or the King of England his Superior: For a Fee comes from the Lord, and is wholly owing to his Liberality and Bounty, who settles some part of his Patrimony upon his *Vassal* or *Faithful Servant*, (for so are Vassals called in the Feudal Law) that he may be Faithful, pursue the same Interest, have the same Friends and Enemies with his Lord, and serve him honestly in War, as becomes a Souldier. Therefore a Fee is the most strict and obligatory Bond of Humane Society, by which the Lord is obliged for ever to the Vassal, as well as the Vassal to the Lord, that the one shall defend the other's Life, good Name and Estate, to the utmost of his Power, against

against all Men, by whatever Kindred, Alliance, or Obligation conjoin'd, (Parents only excepted) yea, even against their own Children, which they are either to put out of their Family, or reconcile them to their Lord. And the like is to be perform'd by the Lord, in respect of his Vassal, if injur'd by any of his Lord's Children; for either the Lord must reconcile them to his Vassal, or exclude them from himself and his Family. If either of them wage War, the other is obliged to assist him with his Forces, Arms, Horses, and in a Word, to the utmost of his Power, even though he be not call'd; he is also to withstand his Enemies, never to enter into a League with them, and the one is to have the same Friends and Enemies with the other. If any Difference happen betwixt the Lord and Vassal, it is not to be decided by Arms, but referr'd to Judgment; yet the Feudal Law will more readily allow Arms to the Vassal, if his Lord deny him Justice, seeing the Fault is rather presum'd to be in the Lord. Neither has the Vassal any other way to force his Lord to make Compensation for his Damage. So the Vassal must not discover his Lord's Secrets; he is obliged to defend the Castles committed to his Care in his Lord's Name, and for his Use; to hazard his own Life

Life for his Lord's in Battel; and if the Vassal forsake his Lord in the Time of Fight, he is deprived of his Fee. The Vassal is obliged to attend at his Lord's Court, when ever a publick One is summoned, whether he be call'd or not, and there to assist with his Counsel, and the like out of Court, as often as he shall be call'd upon, when his Lord is to consult about things of Moment. He is also to receive the Investiture of his Fee from his Lord, nor ought he to enter upon his Fee without it; and in fine, he is obliged to maintain a sincere and inviolable Fidelity towards his Lord; and when he swears the same, he performs Homage.

The Lord, though he be no less obliged to be faithful to his Vassal, than the Vassal is to him, yet he is not bound to swear, this Respect being due to the Lord, that he is to be believed without giving his Oath: but in other things, this Trust is managed with equal Faith and Benevolence on both Sides; so that the Lord is no less bound to the Vassal in all the things above-mentioned, than the Vassal is to the Lord, and the Obligation is reciprocal. But if any of those things be found, as to the Case of Scotland; If the like Offices were performed, either by the English to the King of Scots, or by the Scots to the King of England; if the Kingdom  
of



of *Scotland* was ever part of the Patrimony, or under the Protection of that which is now called the Kingdom of *England*, except it were a long Time before the English Monarchy had a Being, as Englishmen themselves confess, so that the King of *Scots* could neither hold his Kingdom as part of the King of *England's* Patrimony, nor by his Bounty : If there were not always more than Capital Enmities betwixt the two Nations ; and if there were not the most cruel Actions that could be, War, Slaughters, Devastations, Burnings, bloody Battels, and more than *Vatinian* Hatred betwixt the two Kingdoms : If the King of *England* did not always stir up Enemies against the *Scots*, as we shall make it evident afterwards, when we come to speak of the *Picts*, and *Edward Baliol* ; and on the other Hand, if the King of *Scots* did not assist the King of *France* with all his Might against the King of *England*, both by sending Auxiliaries into *France*, infesting them at Home, and provoking them to fight, and always preferred the French King's Interest to the King of *England's*, even in the greatest of his own Difficulties and Dangers, (which was neither the part of a Vassal to his Lord, nor of a Lord to his Vassal :) If ever the King of *Scots* appear'd at the King of *England's* Court

Court or Parliament, either to give Advice, or receive Judgment: If ever any King of *Scots* was invested by the King of *England*, or desired the Renovation of the Investiture; or if the Consent of the King of *England* was ever expected, or desired at the Inauguration of our Kings: we shall not deny, but that the Kingdom of *Scotland* owes the Fealty of a *Client* and *Homage* to the King of *England*, and that the King of *Scots* shall be accounted his Liege Vassal and Client, and bound to all Services as such. But seeing there were always those Grudges and Hatreds betwixt the Nations that we read of, and that almost without any intermission, for above 1000 Years; What Man who is capable of making an equal Judgment, will give it as his Opinion, that the King of *Scots* owes the Fealty of a *Client* to the King of *England*, or that he is his Liege Subject?

Those who describe *Britain*, and the Customs of both Nations, do unanimously affirm, That there was seldom any Peace betwixt them, the one attempting to enlarge their Dominions, and the other to keep their own; and I have often heard it said proverbially in *France*, *That such things will come to pass when there's Peace betwixt the English and Scots*: Which was as much as to say,

say, that such a thing will never happen, or not till the *Greek Calendar*. (Though by the Blessing of God, since we are all agreed in the Light of the Gospel, there hath been a firm and entire Peace for this forty Years and upwards, which never happen'd before, since the first Original of the two Nations; and that it may be continued for all Time coming, every one of us ought earnestly to beseech him who is the Author of Peace, and alone able to effect it.

These things being premised, it will be manifest from the Nature of a Fee, to any Man who is not already prejudg'd, or sworn to the Sentiments of another in either of the Nations, that the King of *Scots* owes no Homage to the King of *England*. For except they prove the Affirmative, the Negative is evident of it self, as having the Presumption of the Law on its Side; for by the Testimony of the English themselves, we have been in possession of our Liberty for these three Ages last past, and acknowledged no Superior.

Now I come to the Confutation of the particular Proofs, brought by *Holinshed*, or as he says, by *Nicholas Adams*, a Pettifogger, who, in my Opinion, has but very little Skill in the Law; and seeing all those Proofs which are brought against us, consist in Ex-  
amples



amples, which rather demonstrate what was done, than what ought to be done, I shall divide them into three Classes or Ranks: The first shall be of those which are believed to have been done in the Time of the Kings of the *Britains*, or *Brittons*; the second of those, which hapned in the Time of the English Saxons; and the third of those, which *Holinshed*, who is very prodigal of his Faith and Credit, writes to have hapned since the Conquest. Yet so as we must always take the five general Propositions before mentioned along with us, that we may not seem to recede from them in the least; but I shall endeavour to wipe off those things which he hath, by the height of Fraud and Calumny, writ against us, and endeavoured to fix on us by his vain and petulant Pen, after having examin'd the Particulars duly and exactly.

## CHAP. VIII.

*That neither Brutus, Ebrancus, Clotenus, Mulmutius or Dunwallo, knew any thing of this Superiority, or exacted it.*

**H**olinshed's first Argument is deduc'd from that Commentitious Division of *Britain* amongst *Brutus* his three Sons, *Locrinus* the eldest, *Camber* the second, and *Albanactus* the youngest: for the English do stiffly assert, that to *Locrinus* he gave *Loegria* or *Britain*, viz. that part of it which was a Roman Province, or possess'd by the Angles, with the Superiority of the whole Island; to *Camber*, *Cambria* or *Wales*; and to *Albanactus* as the youngest, the least valuable share, viz. *Albania*, that is, the whole Country benorth *Humber*. And all this we shall grant, that we may not be troublesome, and so we shall suppose that to have been, which never was, although there cannot be any thing said or imagined, that is more vain than this *Brutus* and his Fable, as *Buchanan* hath evinc'd. But *Albanactus* being kill'd, which happened very speedily after, as they say, *Albania*, which was his Portion, accrued to *Locrinus*, and not

to *Camber*, by the Right of Primogeniture; and this we shall not deny, though it helps but very little to prove the Conclusion which *Holinshed* undertook. But this Right of Primogeniture is still observed amongst the *Scots*, says he, so that when the youngest of three Brethren dies, the eldest succeeds as Heir of his whole Estate, and the Second is past by. And therefore seeing the *Scots* observed the same Laws and Customs with the *Britains*, it necessarily follows, that they were their Subjects; and this is the Form of his first Argument. *Homer's Nestor* is commended by all Men, because that in marshalling his Army, he posted his stoutest Souldiers in the Front and Reer, and plac'd the most faint-hearted in the Middle, that they might be compell'd to fight, by the Magnanimity of the former, and the Valour of the latter. I thought that *Holinshed* would have taken the same Method, and plac'd his strongest Reasons in the Front, which it would not have been easy for our Country-men to rencounter. But let's see what this first Argument is: It is true, that in *England*, when the Youngest of three Brethren dies, the Eldest succeeds to his Estate by right of Primogeniture, and the Second is passed by: but there is nothing more false than to say, that the same Custom



Custom is observed amongst the *Scots*; for if the Question about *Albanactus* his Successor, had been decided according to our Customs, or in our Courts, *Camber* would have succeeded to his whole Estate, and not the least Share of it would have come to *Locrimus*: Then what are we to expect from this Man in the Conclusion, when he does so manifestly stumble at the Threshold? And what if we should grant him this, that *Locrimus* should have succeeded to *Albanactus*, that is, to the Government of all *Britain* according to our Law? How will he thence prove, that the *Scots* are subject to the English? Will it necessarily follow, that because they observe the same Laws, Rites and Customs, that they are their Subjects? It had been better argued according to the Laws of Disputation, that they were the same People, or that the one drew their Original from the other; and yet if he had done so, it had not been according to the Rules of Logick neither; for those who worship the same God, and observe the same Laws, Customs and sacred Rites, are not always to be look'd on as the same People, and much less that one of them must needs therefore be subject to another. For the second Table of the Mosaic Law, the Law of Nations, the Civil Law, this our Feudal Law,

Law, and also the Right of Primogeniture, are common amongst many Nations, which yet are distinct from one another in their Empire, Kingdoms and Jurisdictions, and are not united by any common

*Tacitus*, speaking of the Laws of Succession amongst the *Germans*, says, that they left their Houses to such of their Children as were most fierce and expert in War: but who will thence infer, that the *Germans* were subject to the *Britains*, because they observ'd the same Right of Primogeniture? How much more judiciously does *Tacitus* leave it at an uncertainty, whether the *Aravisci* in *Pannonia*, descended from the German *Osi*, or whether the *Osi* were a Colony of the *Aravisci* that came into *Germany*; when yet, says he, they use the same Language, Customs and Institutions? Or because the Grecian Laws, afterwards known by the Name of the twelve Tables, were brought from *Athens* and the other Towns of *Greece*, and embrac'd by the Romans; will it thence follow, that the Romans paid Homage to the *Greeks*, or acknowledg'd them as their Liege Lords? It often happens in Kingdoms, that whenever the Profit of King and People perswades them to it, or that there are any Hopes of Advan-

tage from it, that the Customs observ'd in one Nation, are transferr'd to another, although they be distinct in Empire and Jurisdiction; and thus many of the Laws of the *Danes* and *Brittons*, are still in force in *England*, and yet that Kingdom is subject to neither of them; and there came as it were a great Inundation of French or Norman Laws with the Conqueror from *France* into *England*, insomuch, that the English at present are govern'd by no other Law: but they will not allow that it follows thence, that *England* is either a Liege Fee of *France* or *Normandy*. Whence it appears, that what this bad Historian, worse Lawyer, and yet worse Logician infers, that one Nation is subject to another, because of their agreement in Laws, or rather in one particular Law, is altogether void of Reason; and by that same Argument, he may as well prove the English to be subject to the Scots, as the Scots to the English: for a communion of Laws, and much less an agreement in one Law, does not subject one Nation to another, nor indeed unite them. Otherwise by as many Laws and Customs as we disagree from the English, we are as many ways disjoin'd; for no Body is ignorant, that in some things our Law differs from that of *England*: and therefore *Adams* or *Holinshead*



*Holinsbed* infers very weakly, that one Nation is subject to another, because of the Identity or Communion of one Law or Custom. Moreover, *Holinsbed* and others make *Albanactus* the Youngest of *Locrinus* his Sons; whereas *Edward* the First, in his Letter to Pope *Boniface VIII.* calls him his Second; so that to reconcile those when neither of them is to be credited, were the part of a Man who has a Mind to mispend his spare Time. This is also of the same Nature that *Holinsbed* derives the Prerogative of this Primogeniture from *Brutus*, but *Edward I.* from the Customs of the *Trojans*, whom if *Holinsbed* had followed, he had consulted the Common Tranquillity much better, seeing by the common Institutions of both Nations, he might have argued, that they had One and the same Original, and were the same People.

The only thing I wonder at is, how this Superiority came to be continued to these Times: for if *Locrinus* had the Superiority of *Albany*, and succeeded to *Albanactus* deceased, it necessarily follows, that the Liege Fee was extinguish'd with *Albanactus*, and that *Albany* return'd to the Superior Lord, *per consolidationem utilis Domini cum directo*, as is usual in *Vassalages*, where the Lord of the dominant Estate succeeds to the

Lord of the Subordinate, or as the Creditor succeeds to the Debtor, and *per contra*; and so this Superiority evanish'd in its Infancy, being stifled with *Albanactus*, who did not long out-live his Father; Nor was it ever for any thing that I know, reviv'd again. And if we would examine this Fable of *Brutus* in every particular, which is the very Foundation of this Plea, it would vanish into Smoak; and so all this Proof, with the Author of it, must be buried in darkness. He who would be further inform'd as to this Fable, may read our *Buchanan*, who exposes it as a Subject of Laughter to all Mankind. Perhaps I have been more prolix than was needful in refuting this Argument; but because those kind of Arguments are so often repeated by *Holinshed*, I resolved to answer them to the full if there were more of them.

His second Argument is brought from *Ebrancus*, who was King of the Brittons, as he dreams, and fortified the Castles of *Dunbarton* and *Edinburgh*, the two strongest in *Scotland*. Therefore, argues he, those Countries were then under the Command of the Brittons; and to use *Holinshed's* Words, ' *Ebrancus* was then seized of them, so that the Scots held them by the Bounty of the King of the Brittons. We will grant that those Castles were built by *Ebrancus*, though they

they be rather fortified by Nature than Art:  
 And *Alclud*, or *Alcluth*, is a Town in South-  
 Britain on the River *Don*, both according  
 to *Matthew of Westminster* and *Bede* \* him-  
 self, in the Slaughter of *Hengist*. But if we  
 insist on the Confutation of all the Follies of  
*Holinshed*, and this petty Lawyer, it would  
 require a Twelve-month to peruse it. If  
 any Body argue, that the King of Scots, who  
 is now possessed of those Castles, owes Ho-  
 mage to the King of the Brittons because he  
 built them; by that same way of Arguing,  
 the English Saxons owe Homage to the Brit-  
 tons; and the Normans, who are now in  
 possession, owe Homage to the English Sax-  
 ons, because the English did by force of  
 Arms seize the Lands, Towns, Castles, and  
 in fine the Countries of the Brittons, as the  
 Normans threw the English out of their Pos-  
 sessions; and yet the English Saxon never  
 acknowledged the King of the Brittons, nor  
 did the Norman ever acknowledg the King  
 of the English as his Superiour or Liege-  
 Lord: Or, because the Israelites built Towns  
 and Castles for *Pharaoh*, did he serve them  
 and owe them Homage, or were the Israe-  
 lites then seiz'd of *Egypt*. But in those Cases  
 he who is strongest by Arms, has the best  
 Title in Law, though neither that nor the  
 other Argument touch the Scots, there be-  
 ing

\* Lib. 1.  
 Angl. Hist.  
 cap. 12.



ing none of them at that Time in *Britain*. Nor is there any mention of the Word (*Saſinarum*) *Seizings*, for almost 2000 Years after in any Writer; and therefore that Objection is rejected as trifling, and unworthy of an Answer.

The third Argument ſpeaks of *Clotenius*; who is affirmed to be mentioned by the Writers of both Kingdoms, as having reign'd over all *Britain*; and what is meant by that, we ſhall ſee by and by. But no Scots-man did ever mention this *Clotenius*: Nay, *Holinſhed* himſelf does not ſay that he reign'd over all *Britain*, but only over the Mountainous Country of *Cornwal*, from whence he had a very long Way to go and command in *Scotland*, either by Land or Sea. Nay, in this *Clotenius* *Holinſhed* does not obſcurely call the whole Fable of *Brutus* in queſtion, and ſays that his Off-ſpring fail'd in *Clotenius*, but that too much Self-love drew him aſide, that he might have occaſion of inſulting over us more freely. But if *Clotenius* did reign over all *Britain*, as our Author will have it, then there was no Part of it which held of him in *Service* or *Fee*, whether he conſider the Parts as Homogeneous or Heterogeneous: for as Lawyers ſpeak, A Man's own Eſtate cannot hold of him in *Fee* or *Service*; for *Service* or *Vaſſalage* is required from another's, and

and not his own. But what does this concern the Scots, who were not then in *Britain*? Or what relation has it to the *Homage* of the Scots, which he undertook to prove? So that this Instance of *Clotenius* is so foreign to the Purpose, that it neither maintains *Holinshed's* Opinion, nor refutes ours; for tho' we should grant all that he says concerning it to be true, it will not be of the least Advantage to his Conclusion.

But the Scots, says *Holinshed*, received the Law concerning Duels from *Mulmutius Dunwallo* the King of the Brittons, who was the first that made it, and they do still retain it: Therefore, says he, the Scots were then his Subjects, because they received that same Law. That the Law concerning Duels was first instituted by *Mulmutius*, none of the Antients did ever affirm; nor do I know from whom he has it. If he hath it from none of the Antients, what does he bring to enforce our Belief? *To play the fool on the Credit of a Great Author, is almost the part of a wise Man*, says the Comical Poet; *but to rave without any Authority, is plainly the part of a mad Man*. This Argument also coincides, and has altogether an Affinity with the first: But to say, because the Scots embraced the same Law, that therefore they were Subjects, is a perfect Paralogism, as I said before.

fore: He might with better Reason argue, that we are now subject to the English, because we make use of the same Language, the same Translation of the Bible, and delight in the Bow as they do; and therefore I shall not insist upon the Confutation of him, having said more than enough to this Way of Arguing: For if all Nations, as this Man infers, who embraced the Custom of Duels, obeyed the King of the Britains, or did him Homage, then *Palestine* must have belong'd to the Britains; in which *Goliath* and *David* fought a Duel long before *Dunwallo's* Time. And in like manner, *Asia Minor*, and the whole Kingdom of *Troy*, for their *Diomedes* fought a Combate with *Aeneas*, as did *Paris* with *Menelaus*, and *Hector* with *Ajax* and *Achilles*. *Italy* must also have belong'd to the Britains, because of the Duel betwixt *Pallas* and *Turnus*, and a little after betwixt *Turnus* and *Aeneas*; all of which happen'd long before *Brutus* was born. And in the Time of the Romans, *Titus Manlius* fought a Duel with *Geminus Metius*, *Rapirius Cursor* with *Gallus*, and *Torquatus* with another of that Name: And hence it will follow, that *Greece* was under the British Empire, because of the Duel betwixt *Neoptolemus* and *Eumenes*; and the same must be said as to *Spain*, in which *Corbis* and *Orsona* fought a



a Duel for the Principality of the Town  
call'd *Ibes*, *Africanus* being Judg. I may al-  
ledg the same as to *Denmark*, *France*, and  
*Germany*, in which there are still many Laws  
concerning Duels; and especially in the  
Laws of the Lombards, amongst whom all  
Probations were made by Duels.

*Britain* would indeed have been mightily  
obliged to her *Holinshed*, if he could have  
brought all the Countries where Duels were  
us'd under her Subjection; for there was  
never any who extended the Confines of the  
British Empire so far. But no wise Man  
would have ascrib'd the first Institution of  
Duels to the Britains, seeing it was common  
to all the Northern Nations; For *Saxo*  
*Grammaticus* writes that *Frotho* K. of *Den-*  
*mark* made a Law that all Controversies  
should be decided by the Sword. But I pass  
over *Holinshed's* Trifles, who ascribes the  
Original of Primogeniture and Duelling to  
his Britons, tho' they be both mentioned in  
the Holy Scriptures long before *Brutus* his  
Time. Now what I pray do these three Ar-  
guments signify for Proof of the Homage?

CHAP.

## CHAP. IX.

*Of Fergus I. King of Scots, Coilus King of the Brittons, and other British Kings till Cesar's Time.*

**H**E hath composed such an History of *Coilus* and *Fergus*, as he never received from any English or Britton Author. Nor can he name me one of his own Countrymen, who hath mentioned this *Fergus* or *Coilus*. If he confess that he had it from our Historians, as he must needs do, why does he not relate it faithfully as he had it? Or how comes he to pervert the Relation of his Author? But it's easy to conjecture why he did so, or at least he may be pardoned to derive the Original of our Nation from a Night-robber, as he feigns him to be, seeing he is not ashamed to draw the Pedigree of his own from *Brutus* a Parricide. And suppose that *Fergus* had done such a thing, I don't see why he should be upbraided with it; for the very Attempting of such an Enterprize, hath consecrated the Name of *Quintus Martins* to Eternity, altho' it had no effect. The History does also take notice, that the Scots forc'd

forc'd the Camp of the Brittons, and put their Army to flight: But *Holinsbed*, such is his Modesty, suppresses that. Our Countrymen did not come from *Scythia*, as this unlearned Author conceives, but from *Ireland*, as is manifest from *Claudian* and *Bede*; nay, and it may be inferr'd from this following Verse of *Claudian's*, that all *Ireland* was called *Scotland*:

———*Totam cum Scotus Iernam  
Movit, & infesto spumavit remige Thetis.*

And again;

*Scotorum Cumulos flevit Glacialis Ierne.*

For why should *Ireland* lament, except it were for the Slaughter of its own Inhabitants? But *Claudian* hints, and that not obscurely, that the Scots had assembled all the Strength of *Ireland* to invade *Britain*, which was then governed by *Stilico*. I have Scots Authors, who wrote about 812, and mention that when the Danes invaded *Ireland*, and determin'd to settle there, that they were overcome in Battel by the Scots. And in the Life of *Charles the Great*, writ by an uncertain Author, but one who liv'd at that Time,



\* Ex frag- Time, \* this following Passage is found  
 mentis an- At that Time a Norman Fleet having en-  
 riquissimis tred *Ireland*, an Island of Scots, an im-  
 Historia- merable Multitude of Normans fell in Bat-  
 rum quæ tel against them, and the rest made a  
 circa An- shameful Retreat. Whence it is manifest,  
 num Do- that that Island was not only inhabited by  
 mini 850, our Country-men, but that the Government  
 conscriptæ was also in the hand of the Scots. Or if we  
 sunt, & ty- should be descended from the Scythians,  
 pis excusæ whose name *Reineras Reinerrus*, a Person  
 apud Clau- well versed in all Antiquity, says we do still  
 diu Chap- retain, I don't see why we should be re-  
 pelet Lute- proach'd with it, seeing the noblest Nations  
 tie 1588. in *Europe* derive their Original from them;  
 and *Charles* the Fifth reckon'd it one of the  
 things wherein he had reason to glory, that  
 he was descended from the Gothes and Scy-  
 thians. But at present the Question is not  
 concerning the Original of our Nation, but  
 about the *Homage*.

Nor is what he subjoins, any more to the  
 Question in hand, *viz.* that *Coelus* the Se-  
 cond expell'd the Scots out of *Britain*;  
 whereas our Historians attribute this to *Si-*  
*cilius*; and hereby the *Homage* is plainly sub-  
 verted: for Lords don't use to drive out  
 their Vassals; and the Scots chose rather to  
 be Exiles, than serve such malicious Masters,

or acknowledg the King of the Brittons as their Lord. The Story is thus, though Bede runs it over very briefly; Our Country-men being divided into Factions, and having fought it so eagerly with two model'd Armies, that there were scarcely 800 left alive on both sides: the King of the Brittons, who watch'd for an Opportunity, and was desirous to exterminate that Nation, which he had formerly attempted to subdue by force of Arms, but in vain, perceiving their Strength now to be broken, expell'd them the Island. But Holinshed is silent as to the Manner of their Return, though it had been the part of a good Historian either to have mentioned both, or said nothing of either.

What he writes of *Sicilins*, that he never desist'd from infesting the Scots; and that he fatigu'd *Reutherus*, *Renda*, *Tberus*, *Finnanus*, *Josina* and *Dunstur*, Kings of Scotland who succeeded immediately one after another, with a continual War, until they submitted themselves to him as his Subjects, and acknowledged him for their Superior: We must enquire whether it be true or not. The History or Names of those Kings he finds in no British Author, so that he has them only from us: and if either he, or any other English man, can produce an Author

for

for this notorious Falshood, we will either give him an Answer, or yield the Cause: For the Babler *Geffrey of Monmouth*, of whom we shall speak anon, leaves him here without defence; nor is there any mention of those Kings to be found in him. Nay, *Holinshed* in his whole History, is perpetually silent as to this *Sicilius* his Victories over the Scots, or their Surrender of themselves unto him. But perhaps he thought that he was obliged to use more Modesty in an History, than in a Declamation; where he could blab out whatever came in his Head. However, it's a Sign of a dishonest Mind either to speak things that we don't know, or to suppress those which we do, if either Danger or Dishonour may thereby accrue to another. Therefore whatever *Holinshed* has in this Matter, he excerpted it from our Historians; but how little Candor he hath us'd towards us, was never plainer than here. Our Historians relate, that after the Return of *Rentherus* from the Isles, Affairs not being thorowly settled, that the King of the Brittons fatigu'd them with War as he had always done: but this honest Author adds of his own, until they made a Surrender of themselves; which was not to be found in any Historian of what note soever. The Reigns of those six Kings before-mentioned makes



makes up 118 Years; and therefore I would desire *Holinshed* to resolve me this one Question, How this *Sicilius* could vex all those six Kings with War, seeing he only reigned 59 Years, as he himself confesses? But he had laid aside all Shame in this his Invektive. It is not to be passed over, that he owns those Kings to have been chosen by our Countrymen: Whence it's evident, that we had Kings many Ages before the Arrival of the English Saxons in *Britain*; and that the Inauguration of our Kings did never depend upon the Pleasure of the Brittons or English: Nor was ever their Consent expected at the Election; which is a certain Argument that they were never subject to the Brittons, as we shall see afterwards. Here *Holinshed* pleases himself with a facetious Rhetorical Flourish, when he writes that *Sicilius* gave his Daughter *Agasia* to *Durstan* King of *Scots*; hoping, says he, that the connate Rudeness (not to say Deceit and Perfidy) of the Nation might be corrected and mollified by the Disposition of the Maternal Line: But let Foreigners be enquir'd at concerning the Rudeness, Deceit and Perfidy of either Nation; for no great heed is to be taken to what an Englishman says of a Scots-man, or what a Scots-man says of an English-man, seeing there

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have

have been Actions betwixt them much fiercer than Words. The Faithfulness of the Scots is proven by the French Annals. But *Holinshed* ought to remember what the British and English Writers have left upon Record concerning the Faithfulness of the Brittons; for all of them agree, that it was us'd as a Proverb,

*Nec Britones Bello fortes nec Pace fideles.*

That the Brittons were neither courageous in War, nor faithful in time of Peace. This Proverb is found in *Polydore*, *Bede*, *Newbridge*, *Malmesbury*, and other English Historians; who all of 'em say, that it was common amongst the Vulgar: and in many places both in *Gildas* and *Bede*, they are called the perfidious Nation of the Brittons; as if Perfidy were their proper Epithet. So that a Depravation of their Native Simplicity and Manners, was rather to be expected from this Match, than a Reformation. I have already touch'd the Cowardly Temper of that Nation from *Gildas*, and shall treat of it further when I come to speak of the Saxons. Then let *Holinshed* go and extol the Faithfulness, Vertue, and Fortitude of his Brittons to the Skies, or above them if he pleases; and let him talk of their subdu-  
ing

ing France, Italy, and a great Part of Germany, and that Rome it self was conquered and burnt by Brennus, if you please to believe him; while all the antient Writers do not only dissent from him, but gain-stand and contradict him. Those things I say of the antient Brittons; for as to what concerns the Remainders of that Nation, there's no People, now that they have chang'd their Soil, who are more couragious and hardy than the Welch, since they were born and bred in a barren and mountainous Country.

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## CHAP. X.

*What Condition the Scots were in, and what Society they had with the Brittons after the Arrival of Julius Cæsar, and the Romans in Britain.*

**H**Olinsbed, or the Petrifogger Adams, writes that our K. Ederus sent Auxiliary Forces to Cassibelanus, and that he serv'd him in his War against Julius Cæsar; And herein he is not altogether destitute of Authority; for Geffrey of Monmouth, of whose Credibility we shall afterwards discourse, writes that Cradious King of Albany serv'd



serv'd as a Subject under *Cassibelanus* in his Wars against *Julius Caesar*. But whether this *Cradians* was our *Ederus* or not, let others see to it; he's not to be found in the Catalogue of our Kings. But to return to *Cassibelanus*; Certainly we are but sorrily rewarded if we must be accounted to have been subject to him, because we sent him Auxiliary Forces: For on the other hand, if the English had sent Auxiliaries to us, they would have alledged that they had done so as Masters; but there is nothing here of *Homage*, or *Liege-Dominion* over us. Must *Germany* be said to have been subject to *England*, because the Emperor *Maximilian* serv'd in the English Camp for Pay against the French? Or, because the Queen of *England* sent Assistance to the Spaniard at the Siege of *St. Quintin* in *Picardy*, must She therefore be accounted to have been subject to the Spaniard? No English-man would endure *Holinshed* to reason thus; neither does he act with Judgment or Justice, who by a reproachful Interpretation would convert the Good-will of his Friend into a Necessity of Obedience, or an Obligation of spontaneous Submission: for by that way of Arguing, we shall conclude the Lord to be inferiour to the Servant, if he assist him in Adversity, or extend his Munificence and

Libera-

Liberality towards him. We will grant that our Forces serv'd in that War, but what Consequence will that be to infer thence, that *Ederus* was Servant or Subject to *Cassibelanus* or paid him Homage? It was necessary that one should command the rest in the War, and that they should obey and serve him; for the word *serve* is us'd by good Authors, to denote only Obedience; and thus *Jugurtha* serv'd *Africanus* the Younger in the *Numatin* War, in the Name of the King of *Numidia*, yet the Kingdom of *Numidia* was free and independant, and their King not call'd a Servant, but an Associate of the Romans. But this whole story of *Cassibelan*, that part of it excepted which is found in *Cesar's Commentaries*, contains nothing but Fables and Trifles, and was either forg'd by *Geffrey of Monmouth*, or illustrated by his Comments.

*Holinshed* says, that *Cesar* writes in his own Commentaries, and that it is attested by the Scottish Historians, that he subdued the whole Island, and entred into *Caledonia*; both of which are false, as will appear to any who read those Histories: for *Cesar* went no further than he himself writes, and it is not likely that he would detract from his own Fame; and that Edifice at *Carron* was not built by *Julius Cesar*, but by *Julius Agricola*

*Agricola* some Years after him : Neither does *Boethius* say, that *Cæsar* entred *Galedonia*, but asserts only, that it was reported so by some of the Vulgar. But *Holinshed* plays with the History in this Point, which I neither admire, nor regard; nor will he ever be able to prove from this Commentitious History of *Cassibelan*, that *Scotland* was a *Liege Fee* of *Britain*, or that the King of *Scots* ow'd Homage to the King of the *Brittons*.

I pass over *Mortius*, *Coilus* and *Lucius*, seeing there is no mention of any War which they had against the *Scots*, nor yet of this Homage in their Reigns, at which I wonder that he should not at least have forg'd something in their Reigns, as well as others. But lest he should seem to have done nothing here, he says, that King *Lucius* chang'd the three Archflamins, which were instituted by King *Belinus* into three Archbishops, whereof he places one at *London*, another at *York*, to whom he subjects the *Scots*, and the third at *Caerleon*; and all those things he alledges, that he may clear the Way for rendring the *Scots* Bishops subject to the Archbishop of *York*: and as he will have the *Scots* to be subject to the English in Temporals; so he would infer, that the *Scotish* Clergy acknowledged the English



English Archbishops as their Lords in Spirituals. But if we may believe *Malsbury* an English Chronologer, there was no Archbishoprick in the Kingdom of the Brittons. His words, lest I should be thought to injure him, are, *But whether there was any Archiepiscopal See in the Time of the Brittons, I do very much doubt; for my Knowledge falters, because Antiquity hath swallow'd up the Memorials of those Times:* and here he spoke ingenuously, if he had done so in other things \*. Neither does *Gildas* make any \* In prol. Lib. 1. de Gestis Anglorum Pontificum. mention of the Bishops, or Archflamins of the Brittons, but only of the Priests. As to what concerns the Archflamins, there is no mention of them to be found in approved Authors, except we should reckon *Geffrey of Monmouth*, who is the greatest Liar of all Men, one of that number, for which they shall have my free leave. For according to the Institutions of *Numa*, and the Ancient Romans, there could be no Archflamins; and if there had been any such, they must of necessity have been set over other Flamins, which is manifestly as repugnant to Truth, as that the Scots Bishops are subject to the Archbishop of York. The severals Gods of the Gentiles had their own Flamins, and thus we read of *Flamen*  
*Dialis*

† Lib. 2.  
de Legi-  
bus.

*Dialis* and *Flamen Quirinalis* in *Cicero* †, over whom the great Pontif had the Supreme Authority, and not the *Arch-flamin*; but the Illiterate *Geffrey* of *Monmouth* and those who follow'd him, did never understand what a *Flamin* was: neither has it any appearance of likelihood, that the *Brittons* would have compos'd a Name of Greek and Latin words, as being ignorant of both the Tongues.

As to what concerns the Subjection of the Scots Bishops to the Archbishop of *York*, *Holinshed* can never evince from any approved Author, Englishman or others, that there was any Archbishop of *York* at that Time, or for some Ages after; and if it were not that I hate to engage in an useless Controversy, I will undertake to prove from English Authors, that we had Bishops in *Scotland*, before they had any in *Britain*, and that *Palladius* the first Scots Bishop, preach'd the Gospel to us, before *Austin* preach'd to the English. What credit those things deserve which were writ before *Gildas* or *Bede*, they themselves shall bear Witness; for *Bede* does plainly own, that the English received the first Rudiments of Piety from the Scots; and *Malmesbury*, who hath writ three Books of the Actions of the English Prelates,

Prelates, says, *That he was almost destitute of all kind of help, that he grop'd his Way through the dark Paths of Ignorance, nor had he any previous Light of History to direct his Path; and yet this Author of ours according to his usual Folly, relates them all in order and exactly* \* : But whether or not the Scots Bishops were subject to the Archbishop of York, we shall see afterwards, though their Question makes but little to our present purpose, which is to treat of Fee and Homage, and temporal Things, and not of Ecclesiastical Affairs, which depended on the Will and Pleasure of the Pope.

\* In prohem. Lib. 1. de Gestis Pontif. Angl.

As to what *Severus, Augustus, Maximianus* and other Roman Generals did, or attempted against us, it does not at all belong to the *Brittons*, who must certainly have very little Merit or Glory of their own, when they rake together the Praises due to other Men on all sides, and apply them to themselves. But *Ethelverd*, than whom the English have scarcely a more antient Historian, says, *That when Claudius and the Romans invaded Britain, and subjected their Kings, the Scots and Picts did stoutly gainstand them; though Holinsbed will have them to be subdued, and expell'd at that Time. But if they were ejected or drove into Exile, who is there that will not ascribe it to the*



the height of their Courage, and that deservedly? For they would rather be Exiles, than submit dishonourably to the Roman Yoke, as the rest of the *Britains* did, who if they had been inspir'd with the same Courage, they had never been subject to the Roman Servitude.

But that *Severus* design'd to drive the Scots out of the Island, for their Perfidiousness and Rebellion, as *Holinshed* pretends to write from *Boethius*, we won't acknowledge; for they cannot be accus'd of Perfidiousness, who did never owe nor promise Fidelity; and let *Holinshed* say, if he can, in what Author or Book he ever read, that the Scots swore Fealty, either to the Roman Legate or Emperor, that so he may make good his charge of Perfidiousness: for this is truly asserted by all Writers, that the Scots held that part of *Britain* which now they enjoy, not by any Paction or Covenant with the Romans, but by Force of Arms.

But *Holinshed* will have it that they rebelled. Now these are called Rebels who being subdued, or having surrendred themselves, don't continue firm in that Allegiance which they have sworn to the Prince or Republick that overcame them; but take up Arms against those to whose Dominion they

they submitted, which cannot in any manner be said of the Scots; nor is that true which *Holinshed* alledges from *Boethius*, that he confesses this to have been done because of the Rebellion of the Scots against the Romans; and if they were Rebels, then he infers, that they were Subjects. But there's no such thing to be found in *Boethius*, neither would it thence follow that they were Subjects to the Britains, but to the Romans. I will not retort upon him what he ascribes undeservedly to our *Boethius*, That a *King* ought to have a good Memory: for whatever *Holinshed* writes as to the Scots, being almost conquer'd and expell'd the Island, and that 30000 of their Men were slain, in the following Chapter, he says, That the Emperor *Severus* lost 50000 Men in that same Expedition; and when he could not defend himself and his Britons from the most outrageous Enemy, he built that Stone Wall from the East to the West side of the Island, that the Britains who obey'd him and the Roman Garrisons might be the more safe within their own Barriers. How these things agree together, when the one Chapter follows the other immediately, let any capable Man judge.

What he writes as to the granting of *Cuthbert* to the *Saxons*, *Saxons* and *Picts* by

\* Lib. 1.  
Descript.  
Britan.  
Cap. 23.

by the Kings of the *Brittons*, it's altogether frivolous; for we know how small a part of *Scotland Caithness* is, and so barren that it could not be sufficient for three Nations to inhabit: for besides that he writes those things without any Authority, there's nothing so ridiculous which this Man does not look upon as an Oracle, so that it does but afford him an occasion of venting his Spite against the Scots. But I cannot perceive how from all those famous Actions of the Romans against us, *Holinshed* can make it appear, that the Scots were subject to the *Britains*, or paid them *Homage*.

From *Carausius*, *Holinshed* concludes nothing which makes for the question in Hand; but I wonder he did not also feign that he subjected the Scots, for without doubt if either his Memory could have suggested it, or that his froward and arrogant Mind could have feign'd or adulterated any thing, he would never have omitted it. But what I said before, appears evidently in *Carausius* or *Carantius*, that the Romans could never endure a King in their Province in *Britain*.

For an eighth Argument, we are press'd with Actions of *Maximinus* or *Maximianus*, whom *Holinshed* (contrary to the Current of all Writers, who say, he was born



at *Smjernium* in *Pannonia*) will have him to be a *Britton*, and that he drove the Scots out of the Island for their Rebellion, having slain their King *Eugenius*. We may perhaps yield that they were driven out of the Island, because they were not accustomed to Servitude; but that it was for Rebellion, we constantly deny, there being no other Authority for it but *Holinshed's*, for they never swore Fealty to the Romans, nor were they overcome and drove out of the Island by the Romans alone, but by the Conspiracy of four most powerful Nations, the *Romans*, *Brittons*, *Picts* and *German Auxiliaries*, who combin'd together for the destruction of one Nation, and that no very great One: but this hapned by the cunning of the Romans, I confess, under a Pretext of dividing the Kingdom of *Scotland* among their Neighbours; but when they were ejected, and that the Romans design'd the same Thing against the *Picts*, the latter perceiving the Craft of this *Leonine* Confederacy, condemn'd themselves for their impious War against their antient Neighbours the *Scots*, and renewing the former League with them, afforded them an opportunity of returning to their Country, under the Conduct of *Fergus* the second. But what says all this to the *Soveraignty of the Brittons over the Scots*, or the *supposititious Homage*? Ho-

*Holinshed* says, That when *Fergus* return'd to *Britain*, he durst not enter upon the Continent, but took the Regalia upon him in *Argile*; the foolish Man being ignorant of our Affairs, takes *Argile* to be an Island, and not part of the Continent. But after his return, says he, he was kill'd, and his Army defeated by *Maximian* the Roman Legat; nor do we deny that, for we don't take upon us to maintain, that the Scots were never overcome nor defeated, but that they never obeyed any Prince but their own, nor yet perform'd Homage to any other; and in fine, that they did never own a Foreigner as their Lord or Superior, but that those Scots who were so often beat, so frequently overcome, and at last expell'd the Island by the Romans, have hitherto maintain'd, and do still maintain their Royal Dignity without Diminution; whereas the *Brittons* who were both richer, more numerous, and as *Holinshed* will have it, better Warriors than we, were put under an ignominious Servitude by the Romans.

against their ancient Neighbours the Scots, and renewing the former League with them, afforded them an opportunity of returning to their Country; under the Conduct of *Fergus* the second. But what says all this to the superiority of the Britons over the Scots?

CHAB

CHAP. XI.

Of the departure of the Romans out of Britain,  
and how the whole was subjected to the Scots  
and Picts.

**B**UT when the Romans left the Island,  
then it quickly appear'd which of the  
Nations were the best Warriors; for the  
Britains being almost totally cut off by  
the Scots and Picts, submitted to their Yoke,  
and left them all the Country beyond Hum-  
ber, which we call on this side Humber, to  
inhabit, because the Scots and Picts were  
not numerous enough to people their far-  
ther Provinces, which the Brittons did then  
bold, and gratefully accept from the Bounty of  
the Scots and Picts, paying Tribute to the Con-  
querors, giving Hostages, submitting to them in  
every thing Divine and Humane, and abju-  
ring the Protection of the Romans. Here are  
all the true Marks of a Surrender, and so  
the Britains yielded themselves to the Scots  
and Picts, nor is there any room left for a  
Subterfuge. Holinshed and the common  
Herd of English Historians, give this as  
the Cause of that Calamity, that above  
100000 Brittons were carried away by

H

Maxi-



*Maximianus*, as he return'd into *Gallia Armorica*; and most of them augment the Number, but none that I know of does ascertain them, and this number is also made up by Women, Children and Servants. But it appears, that a greater number of *Scots* fell in the Field almost at the same Time, under their Kings *Eugenius* and *Fergus*, while they endeavour'd in vain to recover their Country; then were carried over by *Maximianus* into *Britannia Armorica*, of which a great part did also return Home after he was slain. *Holinshed* passes over this History very cursorily, when he asserts, That all *Britain* was not subdued by the *Scots* and *Picts*, but only some Provinces, and that the principal part of the Island was never touch'd by them; and here he accuses our *Boethius* of a Lie, because he says, that all *Britain* was surrendred, whereas the *Scots* did only seize the Country be north *Flumber*. Nor is it probable, says he, That the *Scots* being but a poor and broken Nation, and having lost their King with the stoutest of their Souldiery, could in the fourth Year after their return from Exile, subject all *Britain* to their own Command; for if that had been true, the *Scots* would rather have chosen it for their Habitation, than to have liv'd amidst Frost and Snow at Home.

Home. All this he alledges, to lessen the Credit of *Boethius's* History, which detracts from the Fame and Dignity of the *Britains*, tho the same thing be contain'd in all the Writers of that Age, *Paulus Diaconus*, *Gildas*, *Bede*, *Marianus Scotus*, and all the Writers of British Affairs, *Geffrey of Monmouth*, *Malmshury*, *Westminster*, and all who ever wrote of those Times, write clearly concerning this Affair, and assert, that all *Britain* was subjected to the *Scots* and *Picts*; and as to what he says, of the improbability that the *Scots* who were so lately defeated and scattered, should in so little a Time recover so much Strength and Courage, let him recal to mind how many Armies of *Scots* were defeated by *Edward I.* and yet they never laid down their Arms, until in two pitch'd Battels by the *Humber*, or at *Tork*, which is situated on the Banks of that River, they put *Edward II.* to flight at that Time, the most potent King of *Britain*, *Ireland*, *Wales*, and a great part of *France*. Nor is it without Ground, that *Lucan* says, Poverty is fruitful in Men: So that if *Holinshed* had considered these things, he would have ceased from Wondring. Therefore *Britain* was truly surrendred to the *Scots* and *Picts*, and the Surrender accepted; and the *Britains* after they had in vain sought for the

H 2

Assistance

Assistance of *Ætius* the Roman Legat by Tears and lamentable Complaints, submitted to the Yoke, not willingly I confess, but being thereunto compell'd by Force of Arms. And thus they continued for thirty Years, and since that Time our Countrymen have always pretended a Right to *Northumberland*, *Westmoreland* and *Cumberland*, which was the occasion of many Wars, as we shall hear afterwards; but the *Britains* growing weary of the continued and grievous Servitude, they sent for Assistance from *Britannia Armorica*, whence *Holinshed* writes, that *Constantine* came with an Army, who kill'd *Dongardus* King of *Scotland* in Battel, and recover'd *Scotland*. This is the third King of *Scotland*, who in a small interval of Time fell as fighting gallantly in the Field, that being look'd upon as honourable and familiar to our Kings: for it is brave and honourable, says the *Lyric* Poet, to die for ones Country; and others of our Kings have followed their Examples, which *Holinshed* objects as a Disgrace to them: But he will find nothing amongst his *Britains* which relishes so much of true Nobility; nay nor amongst the English are there many Kings to be found who died in Battel, unless it was during the Heptarchy, while they rag'd mutually against one another.

But



But that we may return to the *Armorici*, or People of *Little Britany*; *Holinshed* says, that *Constantine* of that Country recovered *Scotland*, and was made King of all *Britain*: But how could he recover that which he never lost, especially seeing *Dongardus* fell a Conqueror, which the Britains had felt to their no small damage, except he had been followed by a cowardly Successor? *Holinshed* will have this *Constantine* to be descended from *Brutus* in a direct Line, and to have been Son to the King of the *Lesser Britany*. But *Matthew* of *Westminster* writes, that he died without having done any thing of note, and left Children behind him, *Aurelius*, *Ambrosius* and *Uter*; under whose Conduct he says that the Britains fought with the Scots, and obtained a Victory: What Manner of Victory it was, in what Place obtain'd, or who were the Generals, there's not one word; but it must needs have been a very small Victory which did neither advance the Britains, nor depress their Enemies. Would any Body offer such Fooleries as real Matters of Fact? But the Truth is, that the Scots were neither expell'd by those of *Little Britany*, *Constantine*, *Aurelius* nor *Uter*; but held the Sovereignty of the Island until the Saxons, being hired by the Britains, dispossessed them of that

Part of *Britain* which was a Roman Province: And that *Aurelius Ambrosius* did not come into *Britain* before *Hengist*, appears by *Hengist's* Oration to *Vortigern*; which is exhibited by *Matthew of Westminster*. But to set this whole Matter concerning the Auxiliaries from *Little Britany*, in its true Light; whatever *Holinshed* and *Geffrey of Monmouth* may fabulously assert, when the Britains were repulled by the Romans, and did unwillingly fall off from them, they consulted about chusing a General against the Scots and Picts, and pitch'd upon *Vortigern*; who finding himself unable to sustain so great a Burden, whatever *Holinshed* may say, perswaded them to hire the Saxons to undertake the War for them: which had been altogether needless if *Scotland* had been subjected and recovered before; for none use to desire Assistance, who are able of themselves to maintain War.

Whereas *Holinshed* alledges, that *Vortigern* gave *Galloway*, *Annandale*, and the *Mers*, which were Scottish Provinces, to be inhabited by the Saxons; it's according to his usual Manner, and against the Credit of all Historians, who have left it on Record that *Kent*, the most fertile Province of *England*, was granted to them. And as the English Writers themselves testify, when the Saxons under-

understood the Fruitfulness of the Island, and the cowardly Temper of the Inhabitants, and that *Kent* was not sufficient for the Souldiers that arrived daily, that *Hengist* obtain'd the Countries which lay upon the *Humber* from *Hertigern*, that his People might fix there and prevent the Entrance of the Enemies into *Britain*. Neither were the Saxons so very dull as to chuse such Countries as were not fertile for their own Habitation, and to leave the most large and fruitful Countries of *Britain*; but they did gradually aim at the Sovereignty of the whole Island, as the Event did quickly verify.

But this is not to be pass'd over, that though all Historians agree that those Countries were given to the Saxons, yet they make no mention of any *Homage* or *Superiority*, or that the Britains reserv'd any Claim of *Faalty* over those Countries to themselves: A most certain Argument that there was not any Name or Memory of *Homage* then, or for some Ages after in *Britain*; and therefore whatever mention there is of *Homage* or *Faalty* perform'd by the Scots during the Time of the British Monarchy, if there were ever any such, it is vain and frivolous, and to be reckoned amongst the Milesian Fables, or as we may say, old Wives Tales.



Tales. The English possessed Kent, the Isle of Wight, and the Eastern Parts of Britain, by the Bounty of the Britains; but neither did they own them as their Lords upon that account, nor pay them any Homage, there being no such thing then in being. And *Polidore Virgil* does not only suppress all that is said concerning those Auxiliaries from Little Britain; but also says, that *Vortigern* being chosen King by the Britains, who were then consulting how to resist the Scots, gave them this Advice to bring in the Saxons. *Marianus Scotus* has nothing of those Auxiliaries from Britain; which this Man advances as the most certain Truth: Neither is there any mention of them found in *Malmsbury*, *Huntington*, *Ethelwerd*, *Florence of Worcester*, nor *Gildas*, whom I prefer to all Men on this head; and yet he neither takes any notice of them nor of *Vortigern*, though he was born at that Time, so that nothing could be hid from him. Nor does *Bede*, who liv'd after him, and wrote a true and brief History of those Times, though he takes notice of *Vortigern*, say any thing of those Auxiliary Britains; nor of that *Constantine* whom this Jugler avers to have slain the King of Scots in Battel. *Ethelwerd* does not call *Vortigern* King, but says that he was esteemed as such by all Men: And none of those Authors take

take any notice that the Scots were either beat, or divested of the Empire of *Britain* by any other than the Saxons: But that by the Advice of *Vortigern*, whom they chose King in a tumultuary Manner, upon the Departure of the Romans from the Island, they agreed to hire the Saxon Auxiliaries that they might bear the Burden of the War: And all of them testify that the Saxons after their Arrival in the Island, under the Conduct of their Captains *Hengist* and *Horsa*, were never defeated nor dispossessed; but having sent for their Fellow-Souldiers from *Germany*, they quickly drove the Britains into *Wales*; and first founded one Kingdom, then a Second, and at last a Heptarchy, or Seven Kingdoms. And therefore what this Babler dreams of *Vortigern's* having subdued *Scotland* by the Help of the Saxons, and deprived them of the Islands, which were the common Refuge of the Nation, are so vain, that they are not worthy of a Confutation; for he hath feigned all those things himself, without the least Authority or Evidence: and if it be not so, let any Body who espouseth his Quarrel name but one Author, and we shall yield. *Bede*, the only Writer of those Times, has not one word of those things: but this Author thought that he might lawfully forge, feign, and invent what he pleas'd,  
so

so he did but tear the Scots with his In-  
 vectives. But how could *Vortigern*, who  
 was inferiour to the Scots in War, and ob-  
 tain'd the Kingdom by gross Wickedness, as  
 Historians write, for which he was hateful  
 to his own Subjects, bring the Scots under  
 his Yoke? For *Vortigern* after he had call'd  
 in the Saxons, was first deserted by all his  
 own Subjects, and then dethron'd, his Son  
*Vortimer* being set up in his Stead, according  
 to their own Historians. *Gildas* and *Bede*  
 do both mention *Aurelius Ambrosius*, who  
 succeeded *Vortigern*, and fatigu'd the Saxons  
 by War; but they call him a Roman, and  
 the only surviving Person of the Roman  
 Blood, and own that he obtain'd the Mo-  
 narchy of *Britain*, that Part of it I mean  
 that was a Roman Province: which is an  
 Evidence how unwillingly the Britains fell  
 off from the Romans. *Malmsbury* and *Henry*  
 of *Huntington* say the same; and *Paulus Di-*  
*aconus* writes, that this *Aurelius Ambrosius* as-  
 sum'd the Purple; that is, took upon him  
 the Imperial Dignity in *Britain*. But this  
 Man being resolv'd to make War with the  
 Truth, would rather follow *Geffrey of Mon-*  
*mouth* in his History, than those Authors of  
 approved Credit and Reputation. What he  
 hath writ concerning *Uter's* having subdued  
 and recovered the Kingdom of *Scotland*, is  
 of



of the like nature; for if his History be true, the Saxons never gave him so much time to breathe as to think of invading *Scotland*; and being, in fine, deluded by them, and harass'd with War during his whole Reign, if he had any, he was neither honoured by his own Subjects, nor taken notice of by the Saxons. Whereas he says, that the Scots enter'd into a Bond of Friendship, and join'd in War with the Saxons, he is foully mistaken, to say no worse; for *Palladius*, according to *Bede*, obtain'd from the Scots, who had receiv'd many Injuries from the Britains, and were therefore thinking upon Revenge, that they should nevertheless join in Arms with them, because the Saxons were at that Time bitter Enemies to the Christian Religion; and *Polidore* follows *Bede* in this. Here we may observe the Virulence of this Man against the Scots: For whereas *Bede* hath left it behind him in Writing, that the Saxons enter'd into a League with the Picts, and join'd their Arms to subdue the Britains; this Juggler turn'd it upon the Scots, as if they by joining with the Saxons, had made War upon the Britains; when on the contrary, as *Polidore* ingenuously confesses, *Constantine* the King of Scots being invited by the Saxons, refus'd to join them, and sent Assistance to the Britains; which was the only

only thing, as he says, that supported the British State for some time at least, and kept it from immediate Ruin. So that there is nothing farther from Truth, than to say that *Vortigern* or *Uter* did reduce the Scots by War: For besides that those things are spoken without any Authority, Evidence or Probability, *Vortigern* being worsted in the War, call'd in the Saxons: and it is very unlikely that the Britains should invade the Scots after the Arrival of the Saxons, when they were not able to defend themselves from that Cruel Enemy, but by the Assistance of the Scots Auxiliaries. But this is the Thanks we have for our Kindness to the most ungrateful of Men, that we must be accus'd as having made War upon them, when we sustain'd them by our Arms for some time, and kept them from present Ruin.

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CHAP.

## CHAP. XII.

*Concerning Arthur; whether he subdued Scotland, or required Homage from the King of Scots.*

LET us now come to *Arthur*; who, as he says, did not only subdue the Scots, but according to our own Historians reduced all *Scotland*, and the Isles as far as *Caithness*; but he names no Body, as fearing to be catch'd in a manifest Untruth. There are not so many Scots Historians, that we need to be ignorant what any of them says; but none of them did ever convey such monstrous Lies to Posterity. There are some, who being led into an Error by the English, do write many great and magnificent things concerning *Arthur*: But that he subdued *Scotland*, demanded Homage or Fealty from the Scots, or set his Kinsman *Angusianus*, who was his own Sword-bearer, over them, there is neither any English-man nor Scots-man, except *Geffrey of Monmouth* alone, who hath committed it to writing. But that Man must needs be more than ordinarily impudent, who hath once leap'd over the Bounds of Modesty. But there are many things



things which move me either to think that there was no *Arthur*, or that at least he was not King of *Britain*: For, as the English and Scottish Historians assert, *Hengist* came into *England* with his Saxons in 449. They and the Britains fought at *Bansdown* in 498, about 49 Years after *Hengist's* Arrival. And *Gildas* says, that he was born in that Year. *Monmouth*, *Westminster*, and those who follow them, say that *Arthur* began to reign in 516, being then but fifteen Years of Age; and that he was advanc'd to the Throne, though unlawfully begot, because of the great Opinion which Men had conceiv'd of his Vertue: therefore we easily collect that *Arthur* was born in 501, three Years after *Gildas*. And *Polidore* does plainly say, that this *Arthur* died in the very flower of his Youth; being afraid of the Indignation of the Vulgar, if he had writ nothing of him. From those things it is evident, that *Gildas* was three Years older than *Arthur*, and his Contemporary: But this *Gildas*, a very great Lover of Truth, when he deplores the Arrival of the Saxons, and the Destruction and Cowardice of his own Country-men the Britains, he has not one word of his Contemporary *Arthur*, whose Subject he was, viz. a Britain born under a Britain; and speaks not so much as one word of him in

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Jest or Earnest. Which so great a Man would never have been guilty of, if any such Personage as *Arthur*, famous for so many Great Actions, had liv'd in his Time; who did so often put the Saxons to flight, and drive them out of *Britain*. Neither does he ever write, that the Saxons yielded to the Britains after their Arrival; but that having enjoyed the Government in *Britain* with *Hengist*, they divided the Kingdom amongst themselves in his Life-time, and made it their Country. *Polidore* has so great an Esteem of this *Gildas*, that he says there was nothing which he abhorr'd more than Lies, and that there was nothing more familiar to him than Truth. *Bede*, than whom there is not a more true and uncorrupted Writer, and who at that Time was not only the greatest Ornament of Learning in *Britain*, but in all *Europe*, has nothing of this *Arthur*, though he liv'd but 160 Years after him, (for he flourish'd *Ann. Dom.* 700.) and comprehizes in an accurate History, all the Fights, Battels and Skirmishes betwixt the Brittons and Saxons. Neither is he mentioned by *Florence of Worcester*, nor *Ethelwerd*, the most antient Historian of those Times next to *Bede*. *Newbriggs*, in the Preface to his History, says in express Terms, that 'where-  
' as they do not make the least mention of  
' *Arthur*

Arthur and Merlin, and though all those things concerning them are feigned by Counterfeits, yet that Man (meaning *Gefrey of Monmouth*) hath publish'd them to entertain Mens Curiosity. *Malmsbury* does indeed make mention of him, yet not as a King, but as one of *Aurelius Ambrosius's* Captains; as does also *Henry of Huntington*: But as for the Roman Historians, they never so much as take notice of him; nor is he to be heard of in *Paulus Diaconus*, *Procopius*, *Agathias* or *Jornandes*, who wrote the History of those Times, nor in any French Historian. Nay *Cooper*, an English Writer, does ingenuously confess, that the Actions said to be done by *Arthur*, agree with none of the Historians of those Times, although by them he is rendred famous for his Exploits, as having subdued all *France* and *Italy*; so that those Historians could not have pass'd him.

*Arthur* is also feigned to have routed the Emperor *Tiberius*, and the Auxiliary Forces brought him by *Epistrophius* King of *Greece*, *Mustensare* King of *Aphrica*, *Alifantina* King of *Spain*, *Hirtacius* King of the *Parthians*, *Bocchus* King of the *Medes*, *Sertorius* King of *Lybia*, *Teucer* King of *Phrygia*, *Serfes* King of *Iturea*, *Pandrosus* King of *Egypt*, *Micypsa* King of *Babylon*, and the Dukes (as if there had been any then of that Title)

of



of *Bithynia*, *Phrygia*, *Syria*, *Beotia* and *Crete*. Whereas indeed *Tiberius* did not undertake the Empire, and that only of the East, until 40 Years after *Arthur's* Death; for *Tiberius* began to reign Ann. 576, and *Augustinus* King of *Scotland*, whom *Holinshed* will have to be *Arthur's* Sword-bearer, died before *Arthur* was born. As to those fifteen Kings and Dukes, this I affirm, that those Provinces had then no Kings nor Dukes, of which there were at that Time none in the World, but were subject to the Roman Empire. And at that Time, when *Arthur* is said to have reign'd, *Justinian* was Emperor, the *Goths* possess'd *Italy*, *Chilperic* govern'd in *France*, and other magnanimous Kings, who would never have suffered *Arthur* to enter their Kingdoms with an Army: Therefore whatever is writ concerning *Arthur*, is both fabulous, and justly so reputed. And *Holinshed* himself confesses them to be fabulous, though he be otherwise a wonderful Artist at scraping together whatever may advance the Praise of his Britains. But let him if he can produce any Historian of that Time, English or other, who wrote any thing concerning *Arthur*. The sole Author of all this Fable of *Arthur*, is *Geffrey of Monmouth*; concerning whom, I shall in a few words exhibit the Judgment of the Learned,

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Learned, yea, even of English-men themselves, without adding any thing of my own. *Polidore*, although he was a Native of *Urbino*, yet I name him amongst the English Writers, both because he liv'd in *England*, and wrote an *History* thereof to please *K. Henry the Eighth*. His own Words, lest I should seem to impose upon any Body, are these:

Lib. I. of  
his History.

But on the contrary, says he, there started up a certain Writer of our Age; who that he might atone for those Crimes of the Brittons, I mean their Cowardice and Perfidiousness, scrapes together abundance of ridiculous Fictions concerning them; and with an impudent Vanity, extols their Valour above that of the Romans or Macedonians. This is *Geffrey of Monmouth*; who is also surnamed *Arthur*, because he spread a Latin Vail over the Fictions of the Brittons concerning *Arthur*, which he hath augmented himself, and given them the name of True History. And the anonymous Continuator of *Bede's History*, who begins his British Affairs with the Scottish War, has these Words: — All before this, says he, which that Man (meaning *Geffrey of Monmouth*) hath taken care to write concerning *Arthur*, and his Ancestors before *Vortigern*, were partly feigned by himself, and partly by others: Whereupon he calls him the fabulous *Geffrey*; and says he arrived to such a height of Lying,

Lying, that to use his own Words, *he hath made the Finger of his Arthur thicker than Alexander the Great's Back.* William of Newbridge does not content himself meerly to reproach Geffrey, but spends two entire Pages in confuting him and his Writings. Geffrey is indeed a wonderful Artist at History; who out of his own Head continued the Story of 1700 Years, so as to lead our Writers and all Posterity into a very great Error: and although they know themselves to be impos'd upon, yet they will not be reclaim'd from their Mistake; they are so very ambitious of Glory, were it even but from Fables. For who is not pleas'd with the Fable of *Brutus*, the supposititious Author of the British Nation, and his Arrival in *Britain*, whose Father, Grandfather, and Great Grandfather, together with his Wife and Off-spring, he names as if he had liv'd with them? And with the same Assurance he utters what he says of *Brennus*; whom he will have to be a Britton, if the Gods be so pleas'd, (as *Lloyd* will have his *Cambri* to be called *Cimbri*) and to have overcome the Gauls, Germans and Romans; and at last, to have set *Rome* it self on fire. His third Fable concerning *Cassibelanus* is plainly against *Cesar's* Authority, who, as I said, is reckon'd the Chief of Writers. His fourth



are the Duels betwixt his *Arthur* and the Giants, for which *Geffrey*, as has been said already, did merit the Sirname of *Arthur*. His fifth are the Prophecies of *Merlin*, which are so full of Ambiguities, Turnings and Windings, that the Oracles of *Delphos* are not to be compar'd to them: and besides those five pleasant Fables, *Geffrey* has nothing in him worth reading. But some will say, that he professes himself to be only a Translator: it's true indeed, but it's only that he may cheat us with more safety and secrecy, for he has not been able to name any of those Authors whom he pretends to have translated: And *Gildas* does expressly testify, that all the Monuments of the *Brittons* were lost, and none of them to be found in his Time. Shall this Man then, who could forge the History of so many Years out of his own Brain, be brought in Evidence against us, or must we believe it because he writes so, for *Holinshed* has it no where else, that the Scots following the Treachery of their Ancestors, did besiege *Honell* King of little *Britany*? Let *Arthur* then, with his Historian *Geffrey*, go and keep Company with the Night-Owls. It's certain, that there was never any settled Form of Government in the British Republick, neither in *Vortigern's* Time, who first brought in the Saxons; nor

nor after him was there any establish'd Kingdom, until the Time of *Aurelius Ambrosius*, who was of Roman extract, and at length chosen King or General (for I find him named both ways) in a tumultuary manner by the *Britains*, who began, though too late, to repent the bringing in of the Saxons, and depriv'd *Vortigern* of the Government. *Aurelius* made War upon the Saxons for some time with various success; and that he might strengthen himself on all sides, he gave his two Sisters in Marriage, *Anna* to *Lothus* King of the *Picts*, and *Ada* to *Conranus* General of the Scots Army, who was to succeed his Brother in the Kingdom, and by their Assistance he did for some time bear up the ruinous State of the *Britains*. After his Death, when the Kingdom fell by Law upon *Lothus* his Posterity, and that the *Britains* set up one *Constantine* in his place, *Modredus*, *Lothus* his Son, pursuing his right by Arms, had a terrible and fatal Battel with the *Britains*, wherein he died, though Conqueror: Hence follow'd irreconcilable Feuds betwixt the *Picts* and *Britains*, and that League betwixt the *Saxons* and *Picts* for the Destruction of the *Britains*, who though they were for some time assisted by the Scots, (for *Palladius* obtain'd from *Constantine* King of the

the Scots, that he should not desert the *Britains*, though he had receiv'd many Injuries from them, nor join with the Saxons, tho they promis'd great things, because they were Enemies to the Christian Religion) yet they were at last subdued and forc'd into *Wales*; and not only lost the Royal Dignity, (if ever they had any) but were constrain'd to abandon the most fruitful Provinces of their Country to the Enemy, which they might perhaps have enjoy'd to this Day if they had sincerely cultivated their Friendship with the *Scots* and *Picts*. Let this suffice as the first Example to our Neighbours, that they don't, from an Excess of Ambition, endeavour to invert the true Succession of the Crown, and prefer some of their own Country-men right or wrong. For *Modredus* was Heir of the British Monarchy, if they had any such, and his Posterity as far as *Hungus* King of *Picts* carried the same Right; and *Hungus* dying without Issue, the Succession of the *British* and *Pictish* Crowns devolv'd upon *Alpin* King of *Scots*, who was his Nephew by *Fergus* his Sister; and so it descended by a continued Series, to the most Serene Prince *James VI.* King of *Scots*: and although he should not succeed to that Right by *Hungus*, yet as being descended from

Ada



*Ada* the youngest of *Aurelius* his Sisters, who was married to *Conranus*, he has the sole and undoubted Right to the *British* Empire.

Some may wonder perhaps that I should reject *Arthur*, and all that is said concerning him so rashly, when there are so many probable Monuments of him both in *England* and *Scotland*, so many places denominated from him, as *Arthur's* Seat near *Edinburgh*, *Arthur's* round Table, *Arthur's* Vault not far from *Sterlin*, and the Inscription on his Sepulcher at *Glastenbury* in *England*,

*Hic jacet Arthyrus, Rex quondam, Rexque futurus.*

Which may be English'd thus;

*Here lieth Arthur, who did sometimes reign,  
And had he liv'd, should have been King again.*

Which form a very strong Argument, that there hath been some one called *Arthur*. What answer to return I know not, but this I am sure of, that what I have inserted is not mine, but taken from the most polite of the *English* Historians themselves. Nor can I guess at any other Cause, why we are impos'd upon with this commentitious *Ar-*  
*thur*,

*thur*, than the depravation of Man's Nature since the Fall, which chuses Vanity rather than Truth. For we perceive what sort of things are writ by *Homer*, concerning *Polyphemus*, *Antiphas*, and the rest of his *Cyclops*, or *Lestrigones*, and the like, and yet they are in Honour and Esteem by all Men: But as *Ovid* says of *Ulysses*,

*Adde quod illius pars maxima ficta laborum est.*

And there's nothing more frequently read, than the *Ethiopian* History of *Heliodorus*, *Leucian's* *Asis*, or *Apuleius's* *Golden Asis*: so the French have their *Hugh of Burdeaux*; and the *Britains* being acted by the like Folly, did feign themselves this *Arthur*, that they might not come short of their Neighbours, and him they give out to be a Demi-God, and Prince of Ghosts, that he might appear the more august unto Men; whence it came to pass, that if there were any Country or Place which struck Men with Horror, that they imagin'd to be inhabited by *Arthur*. If any Man bring another Reason, I shall acquiesce; but this is certain, that if there had been any *Arthur*, either in the Time of *Justin* or *Justinian*, something of his Memory would have been transmitted to us. But to return to our purpose.

In

In the Book intituled *Αρχαιογονια*, printed at London by John Day in 1568, *Arthur's* Victories are related, and the Provinces which he subjected to *Britain* are enumerated, viz. all *Scantia*, which is now call'd *Norway*, *Snechorda*, *Hibernia*, *Gutlandia*, *Dacia*, *Semelandia*, *Winlandia*, *Curlandia*, *Roe*, *Femelandia*, *Wirelandia*, *Flandria*, *Cherrela*, *Lappa*, *Islandia*, *Greenlandia*, and the Islands of the Eastern Ocean, as far as *Russia*, and many other Islands beyond *Scandia*. There are some of those Countries, viz. *Island* and *Greenland*, which are known to Sailers, the Sovereignty of which no Body envies *Arthur*, they are so very disagreeable to Mankind. Nor did we ever see any Men from those parts, either eminent for their Actions, instructed in Learning, or indeed scarce Christians, the Country being full of Apparitions, Ghosts, Hobgoblins and Fairies: and therefore 'tis not without reason, that I am brought to think him the Prince of the Ghosts, and feign'd on purpose to frighten Children into their good Behaviour, or to terrify the Minds of weak Men. As for the other Countries, *Snechorda*, *Gutlandia*, *Semelandia*, *Winlandia*, *Wirelandia*, and *Cherrela*, which are no where to be met with, and whose Names were never heard of, they are fittest for *Arthur*; that  
this



this new and fictitious King should reign and govern in these new and fictitious-Territories, according to his own Will and Pleasure; so that he be but kept out of Britain, and not made use of as a Bugbear to frighten timorous Men.

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C H A P. XIII.

*Of Malgo and other Kings of the British Line, and whether they could pretend to any Homage.*

**H**olinshed subjoins that *Malgo* or *Maglocinus* succeeded *Arthur*, and passes over *Constantine*, *Cannanus* and *Vortiporius*, because he found nothing in them which could whet his Teeth against the *Scots*. As to *Malgo*, he says, That he gave *Lothian*, a part of *Scotland*, to *Ethelfred* the English Saxon. How to answer this Man according to his Merit, I know not, except by applying to him what *Leland* says undeservedly of our *Boethius*; for *Lothian* at that time was not a Scottish Province, but belonged to the *Picts*. Nor would what he designs follow thence if it had; for granting that *Malgo* had given some part of *Scotland* to *Ethelfred* for a place of Habitation, it cannot

not be concluded from thence, that the King of Scots paid Homage to Malgo, nay, the contrary is to be inferred from the Feudal Law, viz. that if Malgo had had any Superiority over Scotland, he lost it by this very Act, in making the Condition of his Vassal worse than it was, without his Consent, and taking away part of his Fee; for according to the Feudal Law, as the Vassal cannot encroach upon his Lord's Patrimony, so neither can the Lord hurt his Vassal, or diminish any thing of his Fee without his Consent. But what do I argue thus with this *Holinshed*, who according to his own Confession is altogether ignorant of the Law? But the impartial Reader may thence judg whether those things be probable.

*Malgo* reign'd only five Years, in which time being defeated by *Ethelfred* with a great Discomfiture, he was scarcely able to defend his own *Wales*. He was moreover a Person so hateful to God and Man, for the unheard-of sorts of Lusts which he brought into *Britain*, that there is not the least Shadow of Probability, that ever he thought of seizing or distributing other Mens Provinces. And at last I set *Holinshed* here against himself, in whose History there is no such thing to be found, espe-

especially when none of the Saxon Kings did more grievously afflict the *Britains* than *Ethelfred*. He writes, that *Cadwanus* succeeded *Malgo*, and passes over an *Interregnum* of twenty four Years, and *Careticus*, who defended the Scots his Subjects from the Violence and Injuries of *Ethelfred*, but repenting him straight-way of what he had done, because of the Rebellion of the *Scots*, he says, that he granted all *Scotland* to *Ethelfred*; which nevertheless *Cadwallo* King of the *Britains* recovered, and kill'd *Ethelfred*, and in this Expedition, he says, that all the Saxon Kings served *Cadwallo*. But all who have ever writ of *British* Affairs, do testify, that never any one Man did so much afflict the *Brittons* as this *Ethelfred*, who drove them into their own *Wales*, and cut off from them all hopes of return: That all the Saxon Kings serv'd the *British* Kings in the War, is ridiculous, for the Saxons never ceas'd, until the *Britains* were expell'd, and they themselves possess'd of their Country; nor was there any Cessation from War, for *Cadwanus* and *Cadwallo* esteem'd it enough, says *Polydore*, to bear up against the imminent Ruin of their Country; and if it had been either in *Cadwanus* or *Cadwallo's* Power to fix their Residence in *Scotland*, how bad soever it may be, they



they would never have preferred *Wales* before it. But as to the matter of *Homage*, here is a perpetual Silence.

When *Cadwallader* the last King of the *Britains*, who went over into little *Britany*, because of a raging Famine and Pestilence at Home, had gathered together an Army to recover his Country, he was said to be admonish'd by an Apparition of a more venerable Shape than any thing Humane, that he should not attempt in vain what Fate had forbid him, for his Country should fall into the Enemies Hands, and be recovered a long Time after by his Posterity, as *Polydore*, *Holinshed*, and the rest of the Common Historians have it, which may be much better accommodated to King *James VI.* than to *Henry VII.* for neither does it appear, that *Owen Tendor* was descended from the Race of the *Welch* Kings, nor is there any one who can deduce his Pedigree from them: But *Walter* the first of the Family of the *Stewards*, which now reigns, is descended from them. But whether that Oracle did regard the said *Walter*, or *Henry* the seventh, it's certain that it hits in the most Serene Prince *James* the sixth, who is the undoubted Heir of both, by both Lines.

So much concerning the *British* Kings and their feigned *Homage*, which nevertheless, as I observed before, was not known in *Britain* before the Conquest, or at least before the Year 900; therefore whatever is said or writ concerning the *Homage* before that Time, is so inconsiderable, that it does not deserve a Confutation, or if they have any Author of this *Homage*, by whom they can defend themselves, let them name one before the Conquest, who made any mention of *Vassal*, *direct* or *profitable* Lordship, *Homage*, *Fidelity*, *Fee* *Liege*, or *Fee* *it* *self*, and we shall yield the Cause. As to what concerns the *Brittons* after the arrival of *Julius Caesar*, (for before his Time we have nothing to say) it is certain that they were always under the Roman Yoke; and when they went away, all the Histories of that Time do testify that they became tributary, and gave Hostages to the *Scots* and *Picts* for thirty Years together: Nor is there any English Author who hath not express'd that very thing. And that they might shake off their Yoke, they invited the Saxons into the Island, by whom they were far more grievously oppressed, expell'd their Country, and driven into *Wales*, which at last they could not retain neither; but falling under the Power of the English, the *Brit-*

lost all Royal Name and Dignity in the Island for ever.

We must also consider in this Cause, as a Thing which gives very great Light to the Question, what it is that antient Authors understand by the Name of *Britain*; for whenever *Holinshed* reads, that any of his fictitious Kings did reign over all *Britain*, forthwith he supposes, that they did at the same time command over *Scotland*, seeing that is a part of *Britain*: but as *George Buchanan* hath observed, it is certain that the antient Writers did by the Name of *Britain*, understand only that part which was inhabited by the *Britains*, and inclos'd within *Severn's* Wall as a Roman Province. I shall add some single Instances, instead of many, out of *Gildas*, *Bede*, an anonymous Author, and *Geffrey* himself, besides those which are cited by *Buchanan*.

*Gildas* when he writes of the Destruction and Conquest of *Britain*, understands it only of the Conquest and Destruction of his own Country; for *Scotland* was neither conquer'd nor destroyed, there having never been any Man yet, who could truly boast that he had conquer'd *Scotland*. *Geffrey* writes, That *Cadwallo King of Britain*, chased the Saxons beyond the Wall, which was built betwixt *Britain* and *Scotland*. *Bede's* words



words are, *Neither was there any of the Kings of Scots who durst enter Britain to infect the Saxons, after that fatal Battel of Aidan the King of Scots with Ethelfred*: but it is certain that King *Aidan* and his Scots, did securely inhabit that part of the Island which is called *Scotland*, both then and afterwards. And a little after, the same *Bede* says, *There's a Place near the Wall Northward, by which Wall the Romans encompass'd Britain from Sea to Sea*: Therefore *Britain* was then called an Island as inclosed with a Wall. I pass by many other Instances, lest I should be tedious to the Reader; but it appears from what has been said, that when we find it mentioned concerning any one, that they reign'd over *Britain*, there's nothing understood of *Scotland*, whatever *Holinshed* may aver, who deals unfairly in many things: for when in his History he affirms, That the Scots did not arrive in the Island before the Reigns of *Honorius* and *Arcadius*; and that he has the History of all the preceding Scots Kings from us, there being no Englishman, for what I know, that writes concerning our Affairs, (*Bede* it's true, makes mention of *Reutherus*, but he confesses that it was not his design to write the Scots History) yet nevertheless *Holinshed* perverts the whole. If it be writ that  
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the Brittons made War upon any of our Kings, then straightway *Holinshed* asserts that they were beaten, conquered, implor'd Mercy, and perform'd Fealty and Homage: If they would not submit, then they were expell'd by the Brittons; and that because of the innate Treachery of the Nation, and their continual Rebellion: But if they did any thing that was gallant, he either adulterates the same, or passes it over in silence; such is *Holinshed's* Candor towards us in his History, and such his Fidelity in relating Matters of Fact.

Neither is this to be omitted, that if the Kings of the Brittons had any direct Lordship or Superiority over *Scotland*, it certainly fell with their Monarchy, according to the Maxims of the Feudal Law: For it is a most certain Rule in that Law, that by the Destruction of the thing from which a Fee is held, if so be it happen without the Vassal's Concurrence, as by Fire, Earthquake, Opening of the Earth, Inundation, or be seiz'd by an Enemy, or otherways, *the Fee and Lordship* ceases, and becomes extinct. But that the Monarchy of the Brittons, to which this Homage was due (according to *Holinshed*) is destroy'd, and their Country overrun by an Inundation of Enemies, is certain;

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tain; and therefore this supposititious Right of Superiority is also by the Rules of the Feudal Law extinguished with the Monarchy of the Brittons, to which it was due and appertain'd. But let us suppose that it is not ceas'd, then it must needs devolve upon the Posterity of *Brutus*, and not upon their most bitter Enemies, who depriv'd them of their Country, Life and Liberty: And if it be so, the King of *Scots* is the only Survivor of *Brutus's* Line. I think fit to admonish the Reader of this one thing; That all those Matters if they do any way refer to the Question in hand, are alledged by *Holinshed*, without any Author, probable Reason, or Likelihood: And indeed this is a very strange thing, that he should be so ungrateful to his Authors as not to think them worthy to be named: And it's also wonderful that any Men, eminent for Experience and Learning, of which there is no small Number in *England*, should listen or give Credit to any of those Impostures; for that which is not founded upon any certain Authority, deserves no Credit amongst honest Men. But I suppose he was afraid to name his Author, lest the Matter should not have succeeded according to his Desire; and in that case, if the quoted Author should have denied him his Patronage,

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he would have been catch'd at a Disadvantage, and left to enter the Lists alone without Arms.

*Procer ad extremum videndus & Illia ducat.*

#### CHAP. XIV.

*Of the Saxon Monarchy and its Duration, and whether ever Scotland belonged to the King of England.*

**H**AVING gone through the Time of the British Monarchy to see if there were any Footsteps or Token of this Homage to be found, the first Army of Instances which were rashly led up by *Holinshed*, consulting their own Safety, betook themselves to their Heels, and run over to the Enemy. Now it remains for us to attack the second Army of Instances, which he brings from the Time of the Saxon Monarchy, to try whether any thing can be found in them to confirm this *Commentitious Homage*. This Saxon Monarchy began about the Year 450, and lasted about 600 Years, till the Time of the Conquest. In all which time, that there was no Homage, no Benefit for which it was due, no Superiority, or direct or profitable Dominion,

*Dominium directum vel utile*, I have made manifest in the first Proposition. In Confirmation whereof I add this, that if the antient English Laws before the Conquest, printed at London under the Title of *Æthelwold's Laws*, be seriously perus'd, it will appear that there is no mention of *Fee*, without which there can be no Homage: For as to *Athelstan*, who by our Writers is said to be the first that received Homage from *Malcolm*, or as they say *Constantine* King of Scots, for the Principality of *Cumberland* and *Westmoreland*, he liv'd only one Age before the Conqueror; and I suppose that our Authors did rather follow the Custom of the Age when they wrote, than of that wherein those things were transacted. But of *Athelstan* we shall say more afterward. The Writer of that Time, and the Transactions which hapned therein, is *Bede*, who died *Ann. Dom. 733*. and that by his Death, the History of that Time was lost, is testified by *Malmsbury*, *Florence of Worcester*, and him who wrote the Prologue to the first Book of *Malmsbury's History*. But whether it was *Malmsbury* himself or another, he confesses ingenuously that the History of 223 Years was lost; which if they be added to the Years of *Bede's* Death, reach to 956. Betwixt which, and the Time of *Bede's* Death, it is certain from the

the Testimony of the English Writers themselves, that all their History was lost: and that therefore no Credit is to be given to those who assert whatever comes uppermost, or alledg any other things than what *Bede* transmitted to Posterity. But those who would have themselves to be believ'd as to the Transactions of those two Ages and a half, did not live till *Henry the Second's* Time, which was about 1170; that is almost 400 Years after those things were transacted concerning which they write. The oldest is *Ethelwold*, who liv'd in 1090; and whether it be fit to believe those Men concerning things which happened so long before they themselves were born, especially when they have no Authority but the Relation of Men whom they esteem'd worthy of Credit, I submit to the Judgment of those who are any way vers'd in History.

But here some may object, that they had Chronicles whence they might except those things. It's true, that the Chronicles did use indeed to take notice of the Year and Reign when such a thing happened; but omit Causes, Reasons, Circumstances, and other things which are of most note in History: Or if they have any unsuspected Chronologer who attests this Homage, let them produce him, and we shall grant them the Victory.



ry. But whence they had those things which they wrote, and what they understand by Chronicles, I shall dispatch in a few words, and from one History, which was much esteem'd by them, according to the Custom of those Times, we may make a Conjecture of the rest, that all Men may perceive how frivolous their Reasons, and how vain those Monuments are which they use, or rather abuse in a Matter of so great Weight, to weigh down the Truth which we have on our side. I have in my Custody a History of those Times in Manuscript, so stuff'd with Fables, Miracles and Monsters, that it must needs raise the Contempt of any Reader. The Author is uncertain, but it is certainly a Relick and Monument of some English Monastery. It's wonderful to read what great and strange things he writes concerning Edward and Athelstan; all which are ascrib'd to the Prayers and Merits of St. John of Beverly, and the Invocation of St. Guthbert. He says, that being invoked by Athelstan, they put the Scots to flight; and that Athelstan at his return, endowed both their Churches with innumerable Gifts and rich Farms. Nor have they any other Chronicle or Author, (as shall be afterwards made appear in Edward I.) but one of those who wrote the Lives of the Saints; and why I should believe

have them rather than those things which are writ in the Golden Legend, Lives of the Fathers, or such kind of Writings, I know not. For what could the well-fed and idle Monks do better, when they had a mind to shake off their Sloth and Drowsiness, than to feign something which they thought worthy to be remembered? Therefore one set himself about the History, or rather Romance, of St. Cuthbert: Another about that of St. John of Beverly: A third about that of St. Bridget, or some other tutelary Saint to whom their Church was dedicated; which they set off with all manner of Counterfeit Fables and Ornaments that could be invented. To this was added a Cart-load of Miracles; without which the Saintship of him, in whose Name their Church was consecrated, was in hazard to be called in question: and therefore it behoved them to feign, that by their Influence either the Danes were drove back to their Ships, or that the Scots were routed and broken, or had made a Surrender of themselves. Nor did they think that they sinned in so doing, for they call'd it only an Officious Lie; and the more notable the Fiction was, they were held worthy of the higher Dignity, and look'd upon as Persons of more than an ordinary size of Piety. Then they were admir'd by the ignorant Friars,

and reverenc'd by following Writers. At last, when the Government of a Monastery became vacant, such an Author alone was reckon'd worthy to succeed; which he ascribed to the propitious Name of his tutelary Saint. When I was at *Paris*, I saw in St. *Genevieve's* Church at the High-Altar, her Atchievements finely painted; and amongst other things, it was feigned that by her Prayers she had beat off the English from the Siege of *Paris*, routed them, chas'd 'em, and chastis'd them with innumerable Calamities: though no English-man did ever either hear or see that *Paris* was besieged by the English; and *Genevieve* her self was dead many Years before the Reign of the English, for she died at *Paris* about 80 Years old, *ann.* 513. as is witnessed by *Mathew of Westminster*. But those Writings having once pleased the Ears and Minds of the common People, were esteem'd as true; so that if any Man durst but mutter against them, he was forthwith look'd upon as an Heretick and Enemy to Piety. Nor is *Bede* himself, though a most Learned Man, free from this Crime of believing Lying Miracles; for there are so many of them inserted in his History, that they derogate from the Credit of what is true. If no Fable of a Saint occur'd, then they describ'd *Arthur's* Atchievements;



ments; as *Geffrey of Monmouth*, who wrote five Books of things that were never transacted; or they forg'd some new *Gildas*, that the New History of *England* might have something of Probability: and so those Writings of the Monks coming to be admir'd, were desired by others that they might be copied; by which Means they were fill'd with Mistakes, partly by Negligence of Transcribers, and partly out of a Design to advance their own Religion, and honour their Country, or out of favour to this or the other Man, who had done them a Kindness, or enrich'd their Churches. From the Text of those Legends, or Chronicles, as the Vulgar us'd to call them, *Malmsbury* and *Florence* collected their Histories; and omitted nothing that was fabulous or conducive to promote either the Dignity of their own Country, or the Ecclesiastical State; and if they say otherwise, let them produce any one Author or Chronicle which is not made up of things transacted at least 200 Years before he was born who writes it: And how is it possible that he who did not live till so many Years after, should be able to give an Account of Transactions, with the Causes, Occasions, Events and Circumstances at such an Interval of Time?

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But there are two Evidences, chiefly by whose Testimony more than all the rest, the Equity of our Cause is mightily prejudg'd, viz. *Matthew of Paris*, and *Matthew of Westminster*, both Monks: but how much Credit is to be given to their History, shall be made appear, not from any Scots Author, for I would not have a Scotsman credited in this Case; but from a Learned English Author, whose Name I know not, viz. he who wrote the Preface to the Life of *Alfred and Walsingham's History*. For first, he says, that they abound with Monkish Fictions, and old Wives Fables, and then he adds, that *Matthew of Westminster* and *Matthew of Paris*, are so full of Fables and monstrous Stories, that no Body does now believe them; yet he thinks fit that they should be published, that we may see with what Clouds of Darkness we were encompassed in the Time of Popery: for what danger can there be, says he, in repeating those Fables and Dreams? Certainly if any Man be drunk and bewitch'd with Monkish Dotages and Fables, they will both believe them and the Author. And a little after he says, But for my part, as often as I fall upon those Monkish Fables and old Wives Tattle, I am mightily pleas'd with them; and yet these are the Writers by whose Authority

rity we are run down: So much says he in  
 his Preface. For as it appears by the Re-  
 script of *Valentinian* and *Valens*, all Monks  
 were accounted irreconcilable Enemies to  
 Truth, and such as were accustomed to em-  
 brace the Shadow for the Substance\*. And  
 those Writers liv'd in a Time when nothing  
 was more hateful to the English than the  
 Name of a Scotsman; and therefore they  
 thought it their Glory to forge whatever  
 they could against the Scots, seeing they  
 might not only do it without fear of Punish-  
 ment, but did also either reap actually or  
 at least conceive Hopes of having great  
 Profit by it: And they did afterwards ar-  
 rive at that height of Impudence, that either  
 by adding to, or dimittishing from Authors,  
 they did most wickedly make them patro-  
 nize the most absurd things, as is noted  
 by *Henry Savil* (in his Preface to *Westmin-  
 ster*) a Man truly Learned, and who hath  
 lately published the antient English Histo-  
 rians. And seeing from a Principle of Po-  
 pish Superstition, there was nothing which  
 the Monks would not forge, which could  
 either enrich the Ecclesiastical Order, or  
 advance the Pope above all Kings, and  
 make him Sovereign of the Universe; and  
 seeing also, as is said by the Learned in the  
 Law, *de simili in simile facili est Transitus*,

\* Quidam  
 Ignavia  
 Sectatores.  
 C. de Cu-  
 rionibus.

Why



Why should we not think that they would turn every thing that occur'd into a Panegyrick of their own Prince, so they could but render him Sovereign of the whole Island?

*Juvenal* is certainly in the right, when he says in his third Satyr,

*Græculus esuriens in cælum jufferis ibit,*

*A hungry Fellow will do any thing to have his Belly full.*

And in that same manner, those Court-Dogs do continually fawn upon their Masters, that they may procure some Morfels to stay their ravenous Stomachs. But here the English will object, that if we refuse this sort of Evidence, what is it that will satisfy us, or what Proofs do we require in a matter of this Importance, to make the Truth of that *Homage* manifest? I answer, that as I have no regard to the Testimony of impudent Monks, so I maintain, that the Affirmative is only to be proved by authentick Charters and Monuments (kept in the Archives) under the Hand-writing of both Kings, and no otherwise: Nor is the Assertion of one sufficient without the exchanging of Indentures, or attested Breviates, as we call them in the Feudal Law; for

for that is not sufficient for one of them to salute another, by the Name of his Lord or Coheir in a Missive Letter, this not being enough to make either the one Lord, nor the other Heir; nor if there be some such assertory Letters, as *Paulus de Castro* speaks \*, is that sufficient: for says the Emperor *Philip*, *Domestick Instruments, private Testimonies or Annotations, are not good enough Proof, if they be not supported with other Circumstances* †. Now what can be writ or said more weighty against the Testimonies of those Monks, or their Notations of Times which they call *Chronicles*? *Bodinus* || testifies, that all those *Homages* which were performed either by the King of England, Dukes of Britany, Burgundy, &c. to the Kings of France, are still extant in the Archives. Then let *Holinsbed* show me any one such if he can; or if we must believe Witnesses, I wish he could tell me of any *Pandulphus*, who was sent as his Master's Ambassador or Proctor, in whose Presence the King pull'd the Crown from off his own Head, and delivered it into the Hands of the Ambassador, who after he had kept it in his Custody for six Days together, did in his Master's Name set it upon the King's Head again, as his fiduciary Client, imposing a Tribute of 1000 Marks Sterling

\* In Sum-  
mario.

† Instru-  
menta, ibi-  
dem.

|| Lib. 1.  
de Repub.

The Form of  
Homage  
which John  
King of  
England  
perform'd to  
the Pope.

Sterling upon him at the same Time, and taking his Oath, not only to perform faithful Vassalage and perpetual Service, but also that neither the King nor any of his Posterity, should ever pretend to that Crown any otherwise, than by the Bounty and Good-will of his Liege Lord; and this under his own Hand, the Great Seal of the Kingdom, and those of sixteen Earls, besides others that were present.

If they can show us that ever any such thing was perform'd by the King of Scots, or received by the King of England, they shall readily obtain our Affirmative to this Question. But they are also to take notice, that Charters alone are not sufficient to confirm this; for though they should agree, that the one shall be Lord, and the other Vassal, yet except there be an intervening Benefit, there cannot be any Homage; for Homage is always accompanied with Benefit, as the Sun is with a Shadow; or as we say in Relatives, the one without the other is inconsistent, as I have observed before. They who have the least knowledge of the Feudal Law, must confess those things to be true; for if there be no Benefit granted me, how can I owe Service, or with what Confidence can the Lord demand Military Service or Homage, from him who



is not obliged to him by any manner of Bounty; for when the Bounty ceases, the Homage does also cease. But that Scotland was the Benefit or Gift of England, or the English Kings, there's no Man as I conceive will be so Impudent as to assert; for if so, who gave it? Who receiv'd the Investiture? Where are the Monuments or Indentures? When did we receive this Benefit? In what Century or Olympiad? Long before the Name of England was known, we had many Kings in Scotland; nay some of them possess'd Britain it self. As to what concerns the Kingdom of the Picts, it cannot be called their Benefit, for that we acquir'd by our own proper Valour against their Will, they having taken Arms in defence of the Picts; so that Scotland cannot be call'd a Benefit of England, by any Man who hath not bid defiance to Truth. But they will say that there's another way of acquiring Fealty and Homage, viz. by Force of Arms; for it may so happen, that a King who is routed and conquered, may surrender himself up as a Vassal to the Conqueror, and hold the Kingdom in Fee of him which was Free before, and perform Homage to him upon that account. To which I answer, that this is contrary to the Nature of a Fee, for a Benefit ought not

not to be acquir'd by Force and Violence, but by Liberality and Munificence, and a Benefit (*Beneficium*) is the Genus of the Thing defin'd in a Fee (*Genus definiti est in Feudo*). But of this Instance there is no Example: For in all *Europe* there's no Homage (at least in Clientelary Kingdoms) which was acquir'd by Arms. Indeed the Emperor *Henry V.* or as some will have it *Frederick I.* created a King of *Bohemia* out of his own Patrimony, who did thereupon perform Homage to him about the Year of God, 1109. but this did proceed meerly from wicked Ambition; for the Emperor perceiving that there were divers Kings in *Europe*, who would scarcely yield to him in Point of Dignity, that he might be reveng'd upon them in some measure, and show, that he could do that which others could not; he would create a King, but one that should be his Vassal, for which he had no Precedent, neither can any Man, in so far as he is King, have another King under him; that of *Martial* is known,

The Kingdom of Bohemia was at first instituted, that it might be a Fee of the Empire.

*Esse sat est Servum, jam nolo Vicarius esse  
Qui Rex est Regem maxime non habeat.*

And it is a Maxim in Law, *Par in parem non habet Imperium*, i. e. Equals have no Command

over

over one another; but the King of *Bohemia* had his whole Kingdom out of the Patrimony of the Empire, and upon that account perform'd Homage.

The Anti-pope *Anaclet* the second, in Imitation of the Emperor's Ambition, and that he might also have Kings for his Vassals, created the Duke of *Apulia* King of *Naples*, and impower'd him to make use of the Regalia, as a Fiduciary Client of the Patrimony of *St. Peter*, as they call it, to which as they alledg all *Italy* belong'd by the Donation of *Constantine*. Therefore The Kingdoms of Naples and Sicily founded at first, that they might hold in Vassalage of the See of Rome. the Kingdom of *Naples* holds in Fee of the See of *Rome*, and pays 50000 Ducats yearly by way of Covenant. And in like manner *Manfred* was invested King of *Sicily*, because he had taken it by Force of Arms from the *Saracens*; and because this noble Island being taken from the *Saracens* had no Sovereignty, the Pope adjudg'd it to the Patrimony of *St. Peter*, but so as *Manfred* should be King under the Vassalage of the Roman Pontif, out of whose Patrimony he would have it to be thought, that the said Benefit was granted. Now those Kings receiv'd their Kingdoms, from the Bounty of the Emperors and Popes; and so those Kingdoms were originally founded, that they should hold in Vassalage,

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and perform Homage upon that Account: But here was nothing effected by Force nor Arms, and they are the only Kings who hold in Vassalage in *Europe*; except some have a Mind to say, that the Kings of *England* and their Successors were made Vassals to the See of *Rome*, not by Benefit, but by the Papal Arms, that is to say, by Curses and Excommunications, the Ordinance of the Vatican. The King of *Denmark* indeed acknowledges the Emperor as his Lord for *Ditmarsh*, and upon that account pays him Homage and receives his Investiture, but for *Denmark* he owes neither Fealty nor Homage to any Man. And the Kings of *England* swore Fealty and Homage to the French King, so long as they enjoyed *Anjou, Poitou, Aquitaine*, and the rest of the Provinces beyond Sea; but those being taken away, the Homage ceased, for the Benefit ceasing as the Cause of the Homage, the Homage it self must of necessity cease also. Neither is it usual for Conquerors to leave the Royal Title to the Conquered Kingdom: *Britany* was call'd a Kingdom formerly, but after it was subdued by the French, they laid the Name of Kingdom aside. When the *Welch* were brought under by the English Power, they were forbid to chuse any more Kings; and

it

it was the like as to *Ireland*, which was govern'd by five Kings when conquered by the English; who were all of them constrained to quit that Royal Title, and for the most part assum'd that of Earls; so that fourfold Division of the Kingdom of *France* amongst the Sons of *Charlemaign*, whenever any of them return'd to the antient Patrimony, their Title of Kingdom became antiquated: and indeed in my Judgment, there's no such thing to be found in all *Europe*, that one King should have another for his Vassal, although the same be not unusual to Emperors and Popes, who arrogate to themselves a Superior Power.

I know that the Kingdom of *Castile* did sometimes pay Homage to the King of *Leon*, and *Portugal* did the same to *Castile*; but *Castile* was originally no more than a Province, or County of the Kingdom of *Leon*, and *Portugal* a part of *Castile*. Nor did their Princes at first assume Royal Dignity to themselves, lest they should be forsaken by their first Patrons; but when they began to reign in good earnest, and that their Royal Title was confirmed, the Homage did also cease as is witnessed by *Roderick Sancius*.

But lest we should seem to be altogether contentious, we will grant, though they

can never force us to it neither by Argument nor Example, that a King may be compelled by Arms to acknowledg another as his Lord, and receive the Investiture of his Kingdom from him, as a Beneficiary. Let us go through the whole Time of the Saxon Monarchy, which stood for about 600 Years, as I have already said, and see if any thing occurs which bears a Shadow of Probability, that ever the King of Scots was so brought under by the King of England, as either to make a Surrender of himself unto him, or receive a new Investiture of his Kingdom from him: and in order hereunto, we shall begin with Henry the First.



## CHAP. XV.

*A true Delineation and Description of the English Saxon Monarchy.*

THE first Monarchy of the English Saxons in *Britain*, was founded by *Hengist* himself, and preserv'd with a great deal of Difficulty; so that from him we were in no Danger, he being engaged in War with the *Britains* during his whole Life, and falling in the same at last. He was succeeded by his Son *Esca* or *Osca*; and Auxiliary Forces arriving daily from *Germany*, when once they were inform'd of the Nobleness of the Island, they continued the War with the *Britains*; and having driven them into *Wales*, divided the Province amongst themselves into seven Kingdoms, the Countries being shar'd according to every one's Merits; so that all the Time of this Heptarchy, they had a Domestick Enemy to contend with, and the Point in controversy was not, which of them should Govern, but which of them should Live: For the *Britains*, though they had the justest Cause of War that could be, yet being inferior to the Saxons in Valour and Strength,

and forc'd to retire into the Mountains and inaccessible Places; they did continually infest the Territories of the English Saxons with their Inroads, whereas they were secure themselves by the natural Strength of their Country, and did also possess the Counties which lay next to them, and whenever a fair Opportunity offer'd, they did not decline Fighting, Anger and Grief for the loss of their Country inspiring them with Courage, while Fortune and their own Valour favour'd the Saxons: So that during this whole six hundred Years, one War begat another, without any mention of Peace, both Nations fighting eagerly; nor in all this time could the *Britains* be subdued, no, not in the Conqueror's Reign. *Rufus* his Son having kill'd their King *Rhefius*, who was the last they had, did in some measure oblige them to surrender; and since that time there have been no Kings in *Wales*, or the Antient *Gambria*, yet they were not entirely subdued till the Time of *Edward* the first: It may be indeed that a Truce happened sometimes by mutual Consent, but they never laid down their Arms, the one striving to regain their antient Country, and the others to retain it.

The *Britains* being thus repuls'd, though not conquered, a far more insupportable  
Mischief

Mischief fell out amongst the Saxons themselves, viz. Civil Wars which were bloody to that degree, that the Conqueror seldom gave any Quarter to the Conquered, but did rage against one another with mutual Butcheries: And thus these following Princes and their Armies were slaughtered, viz. *Erbefred* by *Redval*, *Oswald* by *Penda*, and *Penda* by *Oswey*, Brother to *Oswald*, in revenge of his Brother's Death. I could name many others, but it not being my design to write the Story of the Heptarchy, I shall only add, that thus they exercised their Fury upon one another by mutual Discomfitures, until the rest of the Heptarchy's being suppressed, the whole Province submitted to the Government of *Egbert*, about the Year 800: He was the first who would have *Britain* called *England*, by the Name of his own People; and the *Britains* in the mean time keeping up their Arms, was the principal Cause of this uniting among the Saxons, for being too weak for the *Britains* apart, the Saxon Commonalty did the more readily agree to submit themselves to the Government of One; that so with their united Forces, they might the more easily repel the *Britains*: then seeing for that whole space of four hundred Years, they had an irreconcilable Enemy at Home,

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and



and destroyed one another with mutual Slaughters, who can believe that they did ever so much as dream of invading or subduing *Scotland*; they had Wars and Trouble enough at Home, but no Cause of Hatred against the Scots. *Ethelfred's* Victory over *Aidan*, which is related by *Bede*, makes nothing against this Proposition, for it was *Aidan* who provok'd the Saxons, and had already settled himself in *Northumberland*, that he might assist the *Britains* against them as became a true Christian, though he had very just Causes of being offended with the *Britains*; yet by the Influence of the Bishops, he was not only withheld from taking Arms against them, but chose rather seeing they profess'd the Christian Religion to join with them against the Saxons, the Common Enemies of Christianity; and therefore it could never so much as once enter into *Ethelfred's* Mind to subdue *Scotland*. But we shall give an answer in a little Time to those things which are objected by *Holinshed*. It is therefore manifest, that during those four hundred Years, the Saxons made no Hostile Attempt on the Scots, nor never entred *Scotland*, or if they did, were not permitted to make any long stay there. But besides the Incurfions of the *Britains*, and their own Domestick Broils, and mutual  
Slaugh-

Slaughters which ended in *Egbert*, the English were attack'd with a new and more grievous Judgment than all the former; for the Danes upon the same Motives that the Saxons enter'd *Britain* under *Hengist*, did first infest the Coasts with Piracy, and conceiving hopes of enjoying the whole Province, by observing the feeble Resistance of the Saxons, who having gradually laid aside their antient Fierceness, were grown more Humane, they were encouraged to land upon the Continent of *Britain* with great Forces, and coming off Conquerors in some Battels, were lifted up with the Hopes of enjoying the whole Kingdom. *Alfred* oppos'd them stoutly, and being oft-times beaten and oft-times victorious, he did happily however preserve the Government; and if we may believe our Writers, being assisted with the Scots Auxiliaries, he overcame the Danes in a great Battel. But however that is, he entertain'd a fair and sincere Friendship with the Scots; for *England* had embrac'd the Christian Religion about an Age or two before, and therefore the Scots were easily perswaded to join with them against the Danes, who were bitter Enemies to Christianity. All the time of this *Alfred*, the Scots enjoyed *Northumberland*, *Cumberland* and *Westmoreland* peaceably, as they had  
done

done from the Reign of *Gregory*, who had taken them from the *Britains* and English; although the English Annals affirm, that they were freely granted to us by their King, as a Reward of our joining in Arms with them against the *Danes*.

*Athelstan* succeeding his excellent Father, and being free from the trouble of the Danish Arms, he could not bear with his Father's great Bounty towards the Scots, but demanded the Restitution of those Countries from *Constantine*, threatening to take them by force of Arms, except the King of *Scotland* restored them willingly. *Constantine's* nearest Kinsman, *Malcolm*, being already declared Prince of *Cumberland*, as a certain Sign of his Succession to the Crown, according to the then Custom of the Scots, gave a resolute Answer to *Athelstan's* Letters; so that they betook themselves to Arms on both sides. In the mean time a new Army of *Danes* landed in *Northumberland*; and having notice of this Discord, they pour'd Oil into the Flames, allur'd the Scots to abandon the English, and join Arms with them: The unwary Youth did easily agree to it, as taking it heinously that those who had been so often relieved by his Father's Arms, in their greatest straits, should now take away the Reward of his Labour,



Labour, and therefore he flies into England with Forces, and joins Camps with the Danes: as soon as ever an Opportunity offered, he attack'd the English with great Fierceness, but his Valour was overcome by their Policy; for *Atbelstan* had ordered his Men to retire gradually, and counterfeit a Flight, which the Scots taking to be real, broke their Ranks, and pursued them until such time as new Troops came out from the Places where they had lain in Ambush, and the rest returning to order of Battel, did first put the Scots, who were eagerly fighting, to the Rout, and then the Danes; by which Stratagem the Conqueror did afterwards overcome *Harold*. *Malcolm*, the most of his chief Nobility, and the stoutest of the Youth being slain, return'd wounded into Scotland, no Man pursuing him; nor is there any thing more false, than what is asserted by the Common sort of the English Historians, that *Constantine* was at this Battel in Person. But when the Danes upon News of this Fight came in with Auxiliary Troops from all parts, their Army increased so mightily, that *Atbelstan* perceiv'd he was in hazard of losing all, if the Scots should but join them with never so small a Force, and therefore conceiving it to be easier to please the Scots, because they were Christians,

Christians, he first sent Ambassadors to renew the Friendship with them. The King of Scots perceiving the multitudes of Danes which arriv'd daily ; and fearing that after they had destroyed the English, his turn should be next, he gave consent without much Reluctancy : The conditions were, that *Westmoreland* and *Cumberland* should be granted to *Malcolm*, as a perpetual and Hereditary Fee ; Upon which account he was to receive the Investiture of those Countries from *Athelstan*, and to do him Homage as his Lord ; and this is the first Homage that we read of to have been perform'd in Britain : which yet those ignorant Monks call a Surrender and not a Homage, because they did never understand neither the One, nor the Other. For the Names of *Homage* and *Fee*, which had their first Rise amongst the *Lumbards* and *French*, might have crept into *England* before that time, though the Feudal Law had not as yet taken Root there. As to *Northumberland*, because the Danes did then possess it by Force, there was no mention of it in the Agreement ; though the Scots did remonstrate, that unless it were also restor'd, there could be no firm nor lasting Friendship ; but *Athelstan* excus'd himself by the Pretext abovemention'd. From his time, to the Conquest, there pass

130 Years, during which the Scots maintain'd an Inviolable Friendship with *Edward, Athelstan* and the English; so as they drew the Arms of the Danes upon themselves, and hazarded their own Safety for that of *England*. The Danes having laboured a long time in vain to break this League, promising to give *Northumberland* also to the Scots, did at last attacke them with many Armies, and were often Victorious; but being at length overcome by *Malcolm* the second in three most desperate and bloody Battels, they were forc'd to return into *Denmark*, and to oblige themselves by Oath, never to return to *Scotland* in an Hostile manner. Nor was *England* ever delivered from intolerable Misery and Slavery, until the Strength of the *Danes* was first broke by the Scots; whose Victories procured some Rest, and a breathing Time to the English. Let all the Monastical Writers be turn'd over and over again, to see whether they fix the least Infraction of this League with *Athelstan* upon the Scots; nor did the English indeed break it, so long as they were under any fear of the Danes, so that with united Force they did gallantly bear up against the Power and Violence of the *Danes* and *Normans*, which did then strike a Terror into all the Kingdoms



doms of *Europe*, as we shall by and by make it appear from the Antientest Monuments of *England*: This is the truth of the matter of Fact, and disagrees very little in any thing from the Monastical Writers, if they be rightly understood, but only that they are very faulty in their representations of the Form and Causes of Transactions, as shall be made manifest anon. We shall now come to those particulars, which are objected against us by *Holinshed*, from the English Saxon Kings, but so as to discuss those things which are matter of Fact, before we come to the Question of Right, as Lawyers speak.

CHAP. I.  
 The first thing which is objected against us by *Holinshed*, is that the English Saxon Kings were under any fear of the Danes, to that with united force they did gladly bent up against the Power and Violence of the Danes and Norwegians, which did then strike a Terror into all the Kingdoms of *Europe*.

## CHAP. XVI.

*Whether Cadvan, Ethelfred, Oswald, Oswin or Osbright, did demand this Homage.*

THE first that occurs, is *Ethelfred* King of *Northumberland*, who according to *Holinshed's* Tuttle-tattle, received *Lothian* and many other Countries in *Scotland* from *Cadwallo*, who invested him with the same by force of Arms; and that *Cadwallo* repenting of it afterwards, because of *Ethelfred's* Rebellion, took *Scotland* again, and became (*resaisitua*) reseiz'd of it. Here I don't know whether to admire the Man's Ignorance or Vanity most; for at that time there was no such thing as *Seisin* (*saisina*) in use; and if *Cadwallo* was the Lord Paramount, where was the need of a *Reseisin*? For a *Fee Liege* is always in the Possession of the Lord: Nor is there any necessity of a new *Seisin*, if it be laid open to the Lord in the Recovery. And *Lothian* was not then a Scottish Province, but belong'd to the Picts, whose Kingdom was then entire: with how much more Truth does *Bede* (who flourish'd not long after) relate *Ethelfred's* History, whose very words I shall exhibit, that

that all Men may see how unfaithful *Holinsbed* hath been, in writing his History. This *Ethelfred*, says he, King of *Northumberland*, afflicted the *Britains* more, made greater Devastations in their Country, and took more Land from them than all the other Saxon Kings. He fought with *Aidan* (whom he calls *Eden*) King of Scots, such a terrible Battel, that though *Aidan* was defeated, and fled beyond the Wall; yet *Ethelfred* lost his Brother *Theobald*, and the Army which he commanded: But the King of Scots durst never after that hazard another Battel against the English, while *Ethelfred* liv'd. And he adds afterwards, that *Ethelfred* made a terrible Slaughter of the faithless *Britains*; and yet *Holinsbed* has the Impudence to charge us with Perfidiousness, and to assert, that *Ethelfred* subdued all *Scotland*, (such is the Veracity and Nature of the Man) whereas *Bede* takes notice, that he never entred *Scotland*, but contented himself to exercise his Arms against the *Britains*; nor does *Gildas* make mention of any such thing: So that I wonder at this Man's boldness, who without any Author, nay, against the Authority of the greatest Writer in those times, dare so rashly advance such a manifest Untruth, as that the Scots were subdued by *Ethelfred*:

Or



Or let him cite me any other Historian, if he can, who is to be compared with *Bede* for Faithfulness or the Preheminence of that Time: *Holinshed* in his History indeed, where he does somewhat consult his Credit, passes by all those things. It is not so much as true, that *Ethelfred* was slain by *Cadwano*, but by *Redwal* the King of the East Saxons. But that all the Saxon Kings were subject unto, or did serve *Cadwanus* or *Cadwallo*, is monstrous to assert: And I wonder *Holinshed*, (for to you henceforth shall my Speech be directed) that your Country-men the English Saxons don't break your Face, for such a notorious Fiction. For it is certain that the *Britains* were at that time depriv'd both of their Country and Sovereignty by the Saxons, with whom they did never entertain any Friendship.

*Oswald* and *Oswin* you jumble together; the one you say, overcame and subdued the Scots at *Cadwallo's* Command, and the other according to you, did not only subdue them afresh, but kept them under subjection for twenty eight Years, both of which are false; and though it were otherwise, neither of them is sufficient to prove the Homage: For that *Oswald* and *Oswin*, after their Father *Ethelfred* was slain, and

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his

his Kingdom of *Northumberland* seiz'd, did fly into *Scotland*, you your self bear Witness, as do also our Annals, and all those that write of *Oswald* and *Oswin*. Nor is it credible that they would have chosen *Scotland* for a Place of Retreat, if so many Offences had past, and such an inveterate Enmity had continued betwixt *Aidan* King of Scots, and *Ethelfred* their Father. Or *Aidan's* Goodness must needs be commended by all Men, who not only entertain'd the Sons of his most Capital Enemy, and vouchsafed them his Protection, against the Murderer of their Father; but did also instruct them in true Piety, and the Christian Religion, which the Saxons had not at that time receiv'd, and gave them likewise the best of other Breeding; and being restored to the Kingdom of *Northumberland* by his means, they converted their Subjects to the Christian Religion, by the help of the Scots Bishops. Nor were there ever any Princes who had a greater Veneration for the Scottish Name, or observed a more inviolable Friendship with them; as being mindful of the Kindnesses which they had received in *Scotland*: Neither do you your self in your History, nor *Bede* before you, make any mention, that ever *Oswald* made War upon the Scots. That which led you into

into the Error of asserting that *Oswin* subdued *Scotland*, I suppose to be this of *Bede*, who says, that *Oswin* did for the most part subdue the Nations of the *Scots* and *Picts*, (who inhabit the North of *Britain*) and render them Tributary; but of this afterward (says he) \*. But having spoke then \* Cap. 3.  
occasionally of *Oswin*, as he was writing Lib. 2.  
the History of *Edilbert* King of *Kent*, he refers the true Account of the Matter to that Place, where he was to treat of *Oswin's* History, and his words there are, That the same *Oswin* after *Penda* was slain, govern'd the Kingdom of the *Mercians*, and the rest of the Southern Provinces; and did also subject most of the *Pictish* Nation to the King of *England* †. Let those two † Lib. 3.  
places be compar'd together, the one where- Cap. 24.  
in *Bede* treating on another Subject, says, That the *Scots* and *Picts* were for the most part subdued; and the other wherein he only mentions the *Picts*; and any Body may easily perceive, that the latter is the Explication of the former. But that he subdued the *Scots*, or made them submit to his Government, *Polydore* makes no mention, nor do you your self, *Holinshed*, in your History. It's certain that *Oswin* liv'd in a very good understanding with the *Scots*. But the *Picts* having broke their League with  
M 2 the



\* *Polidore*,  
Lib. 4.

the Scots, and being left to themselves, were grievously harass'd by the Northumberland Saxons: yet nevertheless, they held the Kingdom still, and did afterwards cut off *Egfrid* King of *Northumberland* and his Army\*.

But he has nothing concerning the Tribute of the Scots, nor the Homage, nor any thing whence that Homage can be inferr'd. Altho our Historians do disagree from *Holinshed*, as to the Truth of the History: As to the League betwixt *Charles* the King of *France* and *Achaius*, which hath cost us so much Blood, we shall speak anon.

We acknowledg that *K. Alpin* was defeated, taken, and beheaded by *Brudaus* King of the *Picts*; and that his Head was fastned to a Pole over the Gates of *Camelodunum*: But though you should declare it upon Oath, that that inhumane and unworthy Act was done by the Command of the King of *Northumberland*, I will not believe you; although I own that the *Picts* received Assistance in that War from his Auxiliary Troops. Indeed to betray his Vassal to his Enemy, to desert him in a just War, and to assist his Enemy with Auxiliary Forces to oppress his Vassal; and last of all, to take Order that his Head should be publicly fastned to a Pole, was not the part of a Liege-Lord. Those things do plainly argue that there

there was no such Band of Society or Friendship at that time, betwixt the Scots and the English, as is requir'd betwixt Lord and Vassal; but if there were, the King of *England* deserved to be depriv'd of his Superiority for ever, because of his Cruelty against his Vassal. Nor can you bewray the inveterate Rancour of your Heart against the Scots, more than you have done in writing this; which yet makes nothing towards proving the Homage. But the Story is known: For whereas the Right of Succession to the Kingdom of the *Picts*, after the Decease of their *K. Hungus* without Children, did by Law fall upon his Uncle *Alpin* King of *Scots*, there did flow hence more than capital Enmities betwixt the two Kingdoms; who fought against one another with such virulent and embittered Minds, that there was almost no Quarter given on either side. *Alpin* came off Conqueror in the first Battel; but being afterwards defeated and taken, they cut off his Head: but, according to your wonted Candor towards us, you wilfully pass over what was the Issue of this Affair to the *Picts*, (for such a prodigious Piece of Wickedness, and their Violation of the Laws of War); who being overcome in two or three Battels by *Kennethus*, *Alpin's* Son, and the Revenger of his Father's Death, notwithstanding

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ing the Assistance which they receiv'd from the English, they were totally destroy'd; and their City of *Camelodunum*, where the Head of that noble Prince was publickly affix'd to a Pole, (the most prodigious and heinous Breach of the Law of Nations from the Beginning of the World to that Day) was raz'd from the very Foundations; so that there is not the least Vestige thereof now to be seen: And thus that most woful Disgrace was expiated and revenged, by one which was yet more woful. Nor were the Remainers of the Pictish Nation, which was once so famous among the Brittons and Romans, and who cut off *Egfred* King of *Northumberland* with all his Forces, so much as ever taken notice of afterwards in any place of the Earth; and their Kingdom devolved upon the true Heir. Let this be the second Warning to you, O People of *England*, to preserve the Laws of Succession, instituted by God himself, inviolable; and set always before your Eyes, the Destruction of the British Nation, and the Cause thereof.

You write that *Osbright* and *Elia*, with an Army of Britains and Saxons, did invade *Scotland*, put the Scots to flight, and despoil'd them of the Countries by *South Forth*, because they chose a King of themselves. We confess all but the Cause of the War, for which



which you have no Author. But the Case was thus: The Remainders of the Picts, that they might raise up Enemies against the Scots on all hands, transferr'd all their Right to the Kingdom of the Picts upon the Britains and Northumbrians, whose Kings being join'd with the Remains of the Picts, defeated the Scots, who were much weakned by their many former Battels with the Picts. But if our Historians may be believed, Mr. *Holinshed*, from whom alone you have this History, there being no English Author who mentions it, although this Victory was so great that perhaps there was never a greater; it was not so much owing to our Enemies Valour, as to our own Negligence: For the Scots having come off victorious, and believing that they had nothing more to do, lay down upon the Grass, made merry in the Enemies Camp, and betook themselves to rest; and the English, &c. who were watching for an Opportunity, having notice of their Security by some Traitors, surprized them asleep and without Arms, and cut them almost totally off: However, though they became victorious in this Manner, yet they never demanded Homage; but satisfying themselves with the Countries on the South of *Forth*, abstain'd from doing us any farther Injury. But you have nothing nei-

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ther here nor in your History, concerning Homage, Tribute or Subjection Mr. Holinshed. We will grant you that the Scots were routed, and left many of their Countries to be inhabited by the Saxons and Britains; but deny that they retired into the Islands, as you will have it, seeing they had many Countries, and the far better part of *Scotland* still remaining. It's not our Purpose to maintain that the Scots were never subject to an adverse Fortune in War; and therefore confess, that both then and before, they were often overcome, put to flight, and driven out of some Part of the Kingdom, viz. the Countries by *South Forth*: But the same routed and dispersed Scots, having re-assum'd their Courage upon the Increase of the Youth, did again make head against the Conquerors; and the Fortune of War changing, did not only rout and chase, but drive them beyond *Humber*; as shall be made appear anon, when we come to speak of *Gregory*. But this good Historian does so often take notice of the Scots being beat, routed, subdued, reduc'd, and expell'd the Island, and that with so much Precipitancy, that he ascribes one and the same Act to two Kings, that so we may seem to have been twice defeated; but never says one word how we recovered our Country, and forc'd the English

lish to quit it. Whereas, according to the Laws of History, he ought to have recorded the one as well as the other, or have pass'd them both over in silence: It being altogether intolerable in an Historian to commemorate the famous Atchievements of his Country-men, and never to take notice of their Overthrows and Defeats. But *Holinshed* makes no mention of the total Extirpation of the Picts, though assisted by the English; such is his Candor towards Scots-men. Nor can I but take notice of what he assigns as the Cause of this War, that the Scots had chosen themselves a King without the Consent of the Britains and Saxons. Where, I pray, and in what Author did you read this? Or who ever writ that the Right of Chusing our Kings belong'd to the Saxons and Britains? When did this begin, and who was the first that was chosen? For our Kings are not so much as elected by our selves, and far less by our Enemies, but come to the Crown by Succession. Or if the Consent of the Britains and Saxons were to be requir'd in this Affair, you might have been pleas'd to acquaint us whether this Respect was due to them both conjunctly or separately; or if separately, to which. But it is not worth the while to confute this Man's Folly. This whole Story of *Osbright* and *Ella* he has from



from our Historians, there being no English Author who makes mention of *Osbright's* Victory ; but he perverts the whole Matter, according to his usual Method.

As to *Hungar* and *Hubba*, I do not regard them : It's true, they overcame the Scots, though you have nothing of their Victory, nothing of that Superiority nor Homage, in your History. Neither do I see, though it had been perform'd to them, why it should be due to you : But the Danes perceiving it dangerous to try the Fortune of War with a fierce and hardy Nation, and liking *England* better, because there they hop'd to find less Resistance, and a larger Reward of their Trouble, they left *Scotland*, and turn'd their Arms against the English. To enquire into the Issue of that War, makes nothing to the Question in hand ; but only that you advance that *Constantine* King of Scots, who was chosen to that Dignity by *Osbright*, being slain by *Hungar* and *Hubba*, that *Ethelwolph* to revenge his Death, took Arms against them, and slew them both : But here are as many Mistakes as Words ; for it was never so much as once heard of, that any of our Kings did reign by the Authority of the Kings of *England*. And as for *Constantine*, he succeeded as lawful Son to his Father *Cannethus*. Nor were *Hungar* and *Hubba* slain

slain by *Ethelwolph*, but by *Alured*; and why *Ethelwolph* should revenge the Injury done to *Osbright* I don't see, he being nothing akin to him; especially seeing *Ethelwolph* was King of the West-Saxons, and *Osbright* King of the Northumbrians.

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## CHAP. XVII.

*Concerning Ethelwolph, Alured and Edward, Kings of England.*

**T**Hat *Ethelwolph*, or *Edulph*, was the first of the English Kings who subjected the Kingdom to the Church of Rome, and rendred the same tributary thereunto by the Impost of *Peter Pence*, is asserted by you *Mr. Holinsbed*; and according to your wonted Veracity, you will have the Scots also to pay the same: Whence you infer, and that also in a reproachful Manner, (which is so familiar to you) that the Scots were subject to England. But there is not so much even as one English Historian who takes notice of this *Peter Pence's* being paid by the Scots; or if you have any, pray produce them: *Nec pigeat Dominum monstrare tabernæ*, as *Juvenal* says: Don't think much to name your Man. You might as well have feigned that

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we paid Tribute to *Cæsar*, for it was never neither written, painted, feigned nor heard, that the Scots paid *Peter-Pence*: *sed solatio est miserorum habere pares*, It's some Comfort to have Fellows in Adversity; the English not being able to deny, that they hold their Kingdom in Vassalage of the See of *Rome*, they would have us to be Partners with them in the same Servitude. Nor is it true that *Ethelwolp* was the first, who made the Kingdom of *England* tributary to the Pope; for *Offas* King of the *Mercians*, and also *Inas* did it before him: but no Body can thence infer, that we paid Homage, either to the English, or the Roman Chair.

Of the same Nature is that which you subjoin as to *Alured*, who ordain'd, that no Excommunicated Person should be admitted to the Property of any Fee in *England*: and seeing the same Custom is still observed in *Scotland*, thence you infer that the Scots were Subjects of *England*, but by the same sort of Argument that you made use of formerly. But pray Mr. *Holinshed*, was this the Statute of your *Alured*, or of the Church of *Rome*, which obtain'd in all that part of the Christian World, that submitted to the Church of *Rome*, as all *Britain* did at that Time? And therefore to infer from the Communion of Ecclesiastical



ftical Discipline, that we were your Subjects, is an ill way of arguing; for by that ſame Argument, you may conclude, that the whole Weſtern part of the World were your Subjects: but to this way of arguing, I have answered twice or thrice already. You write that the ſame *Alured* did install *Gregory* King of *Scots*, and compel him to break the League with *France*, which are both your own Fictions, having neither Author nor Evidence for it, no, not ſo much as an Engliſhman; or if you have any who hath recorded it, that *Gregory* was install'd King by *Alured*, and forced by him to diſſolve the League with *France*, name them. But which way could he compel him, who never attack'd him by Force of Arms? For *Gregory* as the true Heir of the Crown, and Son to *Dongal*, ſucceeded his Kinsman *Ethus*, and was moſt fortunate in War; for having conquer'd the Danes, and ejectioned them totally out of the Kingdom of *Scotland*, he applied himſelf to recover the Countries beſouth *Forth*, which were then poſſeſs'd by the Danes, who had diſpoſſeſs'd the Engliſh that took them formerly from the Scots, and cut off *Conſtantine* King of the *Britains* with his whole Army, becauſe he would not part with *Annandale*, *Galloway*, and the reſt of the

the Scottish Countries which he had acquir'd in Conjunction with *Osbright*: And *Gregory* afterwards seizing *Cumberland* and *Westmoreland*, did also drive both the English and Danes out of *Northumberland*; and as he was about to besiege *Tork*, *Alured* finding himself not able to bear up both against the Scots and Danes, reconcil'd himself to *Gregory* King of Scots, and gifted him with all *Northumberland*, that he might join with him in his War against the Danes, at that time Enemies to the Christian Religion, and all the Inhabitants of Britain: this Covenant intervening, that *Northumberland*, *Cumberland* and *Westmoreland*, should be for ever subject to the Scots; and therefore both *Gregory* and his Brother *Donald*, after his Death, did assist *Alured* with their Arms. But this is a new way of arguing, *Gregory* and *Donald* did assist the English with Auxiliary Forces against the Danes; therefore the Scots were at that time subject to the English: This is a very sorry Requital for so great a Favour. From that time forward the Scots could never be withheld from laying Claim to those three Countries, either by Law or Arms; and the English also reclaiming them, this did continually administer Cause of Quarrel and Discord betwixt the two Nations, as we shall

shall hear by and by. This Gregory did also subdue *Ireland*, which makes it so much the less probable, that he who conquer'd so many Nations and People, should be compell'd by *Alured* to dissolve his League with *France*: But what's all this to the Homage in Controversy?

You do also assert, that *Edward* Son to *Alured*, did overthrow *Constantine* King of *Scots*, and force him to pay Homage, because he conspir'd against him with the *Danes*. *Edward* indeed being grieved that so many large Countries were cut off from *England*, and given to the *Scots* by his Father, would needs redemand them contrary to the Publick Faith and Covenant; and it may be that the King of *Scots* was forc'd to join with the *Danes*. But to prove that he receiv'd his Kingdom from *Edward*, and acknowledg'd him for his Lord, you bring 3 Witnesses, viz. *Marianus* our Countryman, *Hoveden* and *Malmibury*; and *Henry* the eighth in his Declaration of War before mention'd, does the same: As for you *Mr. Holinsbed*, I confess I do not wonder, for you have so accustomed your self to Falsehood, that it's very probable Truth may run away from you, as afraid of you: but I wonder who could suggest such things concerning *Marianus*, to that Noble Prince, who



who was so famous for his Valour and Achievements, except it be *John Leland*, who dedicated his Book on this Subject to that King. But as to *Marianus Scotus*, there is not the least mention of those two Kings, *Constantine* and *Edward*, nor yet of Homage to be found in him, though he carried his History down to the Year 1083. As to *Hoveden* and *Malmsbury*, whatever they say, *alter mihi Phryx alter Thrax erit, antolitor agens Mercede Caballum*; they are both Enemies, and wrote for Hire: but to be more plain with you, there's no such thing to be found in *Hoveden*, no more than there was in *Marian*: So that here you are forsaken by two of your Evidence, and the third is in hazard of betaking himself to his Heels; for though *Malmsbury* writes, that he defeated and brought under Subjection all the English, Northumbrians, Scots and Britains, whom we now call *Welch*, yet it is so plainly contradictory to the Truth of History, that *Polydore* hath temper'd it thus, by saying, That he obtain'd the Sovereignty of all the People in the Island except the Scots. *Florence of Worcester*, who is more antient than either *Hoveden* or *Malmsbury*, says, That the King of Scots, and *Reginald* King of the Danes, did chuse this *Edward* the Elder for their Father

Father and Lord, and entred into a League with him: But what is all this to Homage, Fealty, or Subjection, if such things were either written or spoken to him upon the account of Duty or Merit? If any one salute another by the Name of Patron, Father or Lord, shall we therefore say, that he pays him Homage? *Polydore* writes, that *Edward* made War upon *Constantine*, because he did continually make Inroads upon the English Borders; that this War was carried on with great slaughter on both sides: but the Scots having the greatest Loss, laid down their Arms willingly; and having obtain'd a Peace with the English, proceeded no further. But neither *Malmsbury* nor *Huntington* say any thing of the Homage done to *Edward*, but are wholly silent as to that Point.

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## CHAP. XVIII.

*Concerning Athelstan, who was the first that receiv'd Homage from the King of Scots for Cumberland and Westmoreland.*

**I**N *Athelstan* you seem not only to conquer, but triumph, and assert that what the Scots do so stiffly deny as to Homage perform'd to him, after *Constantine* was defeated, is own'd by our own Writers; and to this you add a base and contumelious Reproach, that the Scots being corrupted by Danish Money, did violate their Faith to the English. And that your Honesty may the better appear to all Men, you affix that upon *Constantine* as a Blemish, which *Malmfbury* attributes to *Athelstan* himself, viz. that under the Notion of a Stage-Player, or Jester, he entred and view'd the Camp of *Avalassus* the Dane, and then return'd to his own Army; though the Spanish Writers mention this as a very great Commendation in *Alphonsus* the Catholick, who did the like in the Moors Camp: And what you affirm of the Scots having been brib'd by the Danes to break their League with the English, is all of a piece. Histories do indeed make men-



mention, that the Danes did at that Time  
 subdue a great part of *Europe* by Force of  
 Arms: But no Man, except he who has a  
 Forehead of Brass, and is arriv'd at the  
 height of Impudence, will assert that they  
 abounded so much in Money as to bribe Kings  
 and Nations with it. But to return to the  
 Matter it self: You say, Mr. *Holmshead*, that  
 we occasioned the breaking of the League;  
 and our Writers impute it to *Athelstan*, who  
 being unmindful of former Kindnesses, and  
 troubled that his Father and Fore-fathers  
 had granted the Provinces of *Northumber-*  
*land*, *Cumberland* and *Westmoreland* to the  
 Scots, demanded them back again, threat-

ning War unless they were willingly resto-  
 red. *Malcolm*, who was Prince of *Cumber-*  
*land*, and declared Heir to the King of *Scot-*  
*land*, took this fierce Declaration yet more  
 fiercely; but being overcome by a Strata-  
 gem of *Athelstan*, he quitted those Countreies.  
 But Peace being afterwards renewed, *West-*  
*moreland* and *Cumberland* were restored as  
 Liege Fees; for which the Prince of *Scot-*  
*land* was always to do Homage. But *North-*  
*umberland* was exempted, as being then in  
 the hands of the Danes. Let us see then how  
 far our Writers and the English agree in  
 their Relations of this Affair. We own that  
 the League was broke (but by your Fault);

and that *Malcolm* was routed, and the greatest part of his Army slain: But in what follows we disagree. Our Historians say, that *Malcolm*, a young rash Prince, was General of our Army; and that *Constantine*, upon the bad News of its Defeat, forsook the Throne, and turn'd Monk. But all the English Authors that I have read, say that *Constantine* was present in Person, and routed. Neither do they agree as to this neither; some say that he was only put to flight, others say he was slain, and a third sort will have it that he surrendred his Crown to the English: so natural it is for those who do once step aside from the Truth, the further they go on, the further to go astray: Nay, they do not so much as agree in the Place of Battel. *Malmsbury* says they fought at *Brunefurd* in England; some will have it that they fought in Scotland, whereas *Athelstan* never saw that Country: And others give out that they fought at the Mouth of *Humber*; whither they pretend that *Avalafsus*, and *Constantine* his Father-in-Law, arriv'd with a Navy. Which how like to be true that is, every Body knows; for the Scots were never Masters of such a Fleet as they could entrust an Army with, nor had they any need of it, seeing they could invade *England* by Land at what part they pleas'd:

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But as to any Homage perform'd at that Time, there's not so much as one word in any Historian. *Polidore*, who is the only Man that hath writ the History of *England* with Judgment, (but following the *English Annals*) says, that *Constantine* swore Fealty to *Athelstan*; but whether it were for *Scotland*, or those beneficiary Provinces, he says not. And *Henry* the 8th, in that Declaration of his before-mentioned, says that Homage was done, but never asserts it for the Kingdom of *Scotland* until he come to *Edward* I. *Malmsbury* writes that *Constantine* was forc'd to quit his Kingdom; but was afterwards restored, that he might reign under *Athelstan*. *Henry* of *Huntington* \* brings † Lib. 5. the Latin of a certain *English Song* made for the Joy of that successful War, which may probably deserve Credit: Therein it is said, that there was never such a Multitude of Enemies, viz. Scots and Danes, routed; but has not one word neither of the Homage, nor of *Constantine's* surrendring himself to the *English*. *Hoveden* writes, that *Constantine* was defeated; and that afterwards having given his Oath, he entred into a firm League with *Athelstan*, and gave his Son for an Hostage; whereas *Constantine* had no Son, for *Malcolm* his next Kinsman succeed'd him in the Kingdom: And then he says that



that he was slain, which *Polydore* calls a manifest Untruth. But of Homage he makes no mention. He asserts that *Ethelfred* subdued the Scots and the Picts; having forgot that the Scots had totally destroyed the Picts above an hundred Years before. *Matthew of Westminster* asserts that *Constantine* was overcome, and drove back to his Navy; but that Peace being renewed, he only gave his Son for an Hostage, and return'd home: Which is repeated by *Florence of Worcester* in the same Words. The Continuator of *Bede* passes by all those things, as being involv'd in Darkness; but never one of them says that Homage was perform'd, much less for the Kingdom of Scotland: Nor do any of them so much as make use of the word Homage. *Polydore* indeed affecting the Latin too much, affirms that *Constantine* swore Fealty, or Subjection, to *Athelstan*; (*Jurasse in Verba Athelstani*) but this is an homonymous Phrase that may be diversly taken. For *P. Scipio*, call'd afterwards *Africanus*, compell'd *Q. Cecilius Metellus*, and others of the Roman Nobility, who consulted together to desert Italy after the Battel of *Canna* (*Jurare in sua Verba*) to swear Subjection to him; but it is not likely that he receiv'd Homage from them. *Jurare in Verba*, is by good Authors taken for a firm Assent; as

*Jurare*

*Jurare in Leges*, signifies one's obliging of himself by Oath to observe the Laws : And so Horace, by

*Nullius addictus jurare in verba Magistri,*

means to give Assent to no Man's Opinion : and whereas they may say, *Polydore* did probably use the Words *jurasse in Verba* to signify Homage, it's certain he affirms that this Homage was constantly denied, and sharply controverted by our Writers ; but that it did not belong to him to act the Part of a Judg in this Affair, but only to write what the most antient Annals say, without giving Offence to either of the People. Nor have you one English Historian, Mr. *Holinshed*, whom you can produce for the Truth of this Proposition, viz. that Homage was demanded from *Constantine* : and tho some may have left it in writing, that Homage was perform'd ; and tho we should yield this freely, and grant that to have been which never was, yet there is none so void of Modesty as to assert, that Homage was perform'd for *Scotland* ; for neither does the Nature of the Benefit it self, nor the Circumstances thereof, allow that it could ever have been done for *Scotland*, which was never part of the English Patrimony ; and Homage can never

be perform'd without a Benefit ; And therefore I know not what to say as to those English Writers, seeing they don't agree amongst themselves neither, as to the Place, Generals, Event, nor Effects of that Battel : So that it is manifest, as I took notice before, that they have no English Writer of that Time whose Authority they can produce for *the third Proposition* ; but that the whole History of 223 Years is perish'd, and that therefore they have nothing of Certainty concerning *Albistan's* Reign, which fell within that Period, but what is collected from Old-wives Fables, or at best, from the Relation of credible Persons, as they own themselves. As to what concerns the Surrender, (*Deditionem*) or entire subjecting of our selves, which they upbraid us with here and elsewhere so often, I do believe that those Monks did never understand what a Surrender, or Giving themselves up to an Enemy (*dedere se hostibus*) meant ; and that they never read *Livy* on the Surrender of the Collatin People (*de deditione populi Collatini*). But they might however, have learn'd from their own *Polydore*\*, concerning the Surrender of the Kingdom of *Northumberland* to *K. Egbert* ; for in the first the Collatin People lost their Liberty ; and in the latter, the Northumbrians lost the Honour of the

\* Lib. 5.  
Hist.



the Kingly Title. Except some have a mind to excuse *Holinshed*, and those Monks, that they took the word (*Deditionis*) in a more favourable Sense, viz. as it signifies (*devincire & addicere*) to oblige and addict one's self; as *dedere aures*, to listen attentively in *Cicero*; and *dedere se Laboribus*, to give one's self up to Labour; and as a Son is said (*dedere se Patri*) to give himself wholly up to his Father's Conduct, in *Terence*. Yea, in that noble Fight betwixt *Edmund* and *Canutus*, *Canutus* yielded himself and his Kingdom of *Denmark* to be at *Edmund's* Disposal, that he might use it as he thought fit. How often did *Henry II.* and *Richard*, put themselves and their Kingdoms in the Will or Courtesy (*Voluntate*) to use their own Words, of their Lord the French King, tho' he was not so? If this Word be made use of by them now and then in that Signification, it may be tolerated; but if they do thence infer any Servitude or Homage, they do manifestly accuse themselves of Ignorance and Falshood, who adventure to assert a thing of such moment without Authority or Evidence. The Romans, at least those who were in the greater Camp, did also surrender or yield themselves up after the Battel of *Canna*; and both the Consuls, *T. Veturius Calvinus*, and *Sp. Posthumius Albinus*, surrendered

rendred themselves at the *Furca Caudine*, when the whole Army pass'd under the Yoke : But the People of *Rome* did neither acknowledg the Carthaginians their Lords in the one, nor the Samnits in the other : Though after all, the English have no Author who make any mention of the Surrender of the King or Kingdom of *Scotland*. But to return to our Purpose : The Truth of this Story of *Abelstan* is to be sought for from our Historians ; who make no mention of *Constantine's* having been in Person at the Battel, or of his having been kill'd or taken ; but that upon receiving the ill News of the unsuccessful Battel, he put on the Monks Habit. The hot-headed Youth *Malcolm*, who was declared Prince of *Scotland*, being improvident, did totally lose his Army, and miss'd narrowly himself at that Time, as I said before. And here Mr. *Holinshed*, you insult over us in a wonderful manner ; and assert that the Scots sold their Faith, and treacherous Souls to the Danes ; and that they did never observe a Peace with the English religiously nor faithfully : when at the same time, the Rise and Occasion of this Perfidiousness, was in *Abelstan* himself. But if you had as large a Field of Declaiming against us, as the Britains have indeed of Declaiming against your English Saxons, Mr.  
*Holin-*

Holinsbed, with what big swelling Words  
would you dart Thunder and Lightning, and  
make the World ring (*permisceres Graciam  
Universam*), as Cicero says of Pericles, with  
the reproachful Names of Perjur'd Wret-  
ches, Covenant-breakers, who had viola-  
ted their Pledged Faith, the Laws of War,  
and overturn'd all Laws Divine and Hu-  
mane, polluted their Hands with the Mur-  
der of their Hosts, and defrauded their Cli-  
ents? Would you abate us one word of this?  
I am sure not. But,

*Stultus & improbus hic amor est, dignusq; no-  
tari,*

*Cum tua pervideas oculis male Lippus inunctis*

*Cur in amicorum vitiis, tam cernis acutum*

*Quam aut Aquila aut serpens Epidaurius at illi  
contra*

*Evenit, inquirant Vitia ut tua rursus & illi.*

He does not do well in my Judgment, who  
takes no notice of the Beam in his own Eye,  
and finds fault with the Mote in his Neigh-  
bour's,

*Nam vitiis nemo sine nascitur, optimus ille est*

*Qui minimis urgetur:*

No



*No Man is born without a Fault, but he  
Is the best Man, who is from Faults most free.*

But because the principal Hinge of this Controversy turns upon *Atbelstan*, and that our Neighbouring Nation have nothing further to object against us during the Saxon Monarchy; these things are to be more fully discuss'd, that all Men may understand whether the King of *Scots* paid Homage for the Kingdom of *Scotland*, or those Beneficiary Countries.

We will freely grant then, which they shall never be able to evince by any necessary or concluding Argument (as we use to speak) from their own Historians, that the King of *Scots* did then pay Homage to *Atbelstan*. So that the Point in controversy must now be, Whether the same was perform'd for the Kingdom of *Scotland*, which until that Time was free, or for those Provinces which he receiv'd from *Atbelstan*, or had enjoyed in *England* before?

If they say for the Kingdom of *Scotland*; it is not any way probable that the *Scots*, who were always most tenacious of their Liberty, as appears by what hath already past and is to follow, and who did constantly prefer the same to their Lives, should so easily

easily renounce, or abdicate that Liberty, and enslave themselves of their own accord under the Servitude of the English, a new Kingdom and Nation : for *Egbert*, who was no more than *Athelstan*'s Grand-father, was the first who gave it the Name of *England*. The King of *Scots* was not reduc'd to such Straits as to be obliged to part with his Kingdom, if he did not pay Homage for it : Neither is it likely that *Athelstan*, who was press'd upon by the Danes, and thought nothing more advantageous to him than the Friendship of the Scots during those Dangers, would redeem it by Conditions so unequal, and which tended to the everlasting Reproach of the Nation ; for he knew that if such hard Terms were imposed, the Scots would not be easily kept within the Bounds of Duty : Whereas in truth, they continued very constant in the League made with *Athelstan*. Nor did they ever withdraw their Friendship from the English, or disturb them, during the Danish War ; which in those troublesome Times, it had been easy for them to do, and to have put in for a Share of the Booty with the Danes. For seeing the Danes alone, without the Assistance of the Scots, did at that Time conquer *England*, they cannot deny but the Accession of the Scots would have been of some moment.

And

And *Holinshed* confesses, that the King of Scots did serve in this War against the Danes with ten thousand Men, which it is not like he would have done without some Benefit; so that of necessity that Homage must have been perform'd for those Countries in England, which he did then hold in Fee of the English King, viz. for *Westmoreland, Cumberland, and Northumberland*, which were added to the Scottish Kingdom, by the Bounty of King *Edward*, for their faithful Service in the Danish War.

If you deny this Mr. *Holinshed*, I will produce *Holinshed* as a Witness against you, whose words are these: *In the time of Edward and his Son Athelstan, the Scots enjoyed part of Cumberland, and the North of England; and by and by, that Edmund Brother to Athelstan, did assign all Cumberland to the Scots, for their Assistance against the Danes. And Malmsbury says, That the Province called Cumberland, was given to Malcolm King of Scots, under an Oath of Fealty. And Henry of Huntington writes, That King Edmund committed all Cumberland to Malcolm King of Scotland, because he could not subdue the People of the Country, on this Condition, that he should defend the Northern Countries of England by Sea and Land, from the Incursions of Foreigners. And (in like manner)*



manner) *Edred* his Brother and Successor, by granting *Northumberland* to the Scots, which was reduc'd under his own Dominion, received Homage from the Scots, though the Word *Granting* (*concedendo*) be left out by the Printer's Neglect, and the Sense is not perfect without it. Don't you see here Mr. *Holinshed*, that *Cumberland* was assign'd to the Scots, and an Oath of Fealty thereupon demanded? But that *Cumberland*, *Northumberland*, *Westmoreland*, were at that time in the Power of the Scots, is not obscurely hinted by *Cambden* a Learned and modest Man, and the most Judicious of all the English Antiquaries: He says, *That York reviv'd again and flourished with Riches, though it had been often destin'd to destruction by the Scots.* But how could the Scots design that City to destruction, or enter so far into the Country, if they had not been possess'd of the adjacent Countries? And he does also take notice of the Stone-Cross, commonly called *Re-cross* or *King's-Cross* in *Richmond-shire*, in the Confiner of *England* and *Scotland*, and which was set up as a Boundary to both Kingdoms. Though he does indeed confess, that this was the Boundary, yet he will have it, that it was fix'd in order to separate the Lands given by the several Kings to  
St.

St. *Cuthbert*, as Tutelary Saint, from the Incursions of the Scots, which has no shadow of Truth. But the most exprefs and clear Testimony is, what he says in the Original of the Scots: But says he, When the Scots came to join the *Picts* in *Britain*, although they did continually infest our Country-men (meaning the *Britains*) with War, yet the Scottish Monarchy did not grow up of a sudden, but they lurk'd a long time in that Place where they arriv'd, until they did totally exterminate the *Picts*; and that the Kingdom of *Northumberland* fell by its intestine Broils, and the Incursions of the Danes. Then, says he, all the Northern part of *Britain* went under the Name of the Scots, as did also that hithermost part of the Country betwixt the River *Tweed* and *Edinburgh Firth*. But *Cambden* does not hit the Truth in all this, for before the *Picts* were routed out, the Scots and they together did inhabit all that part of *Britain* benorth *Humber*, and had also the Sovereignty over the Rest, having impos'd a Tribute upon it, and receiv'd Hostages for it. There are also many other places in *Cambden*, which testify, that *Cumberland* and *Westmoreland* were then in the Hands of the Scots: So that this second thing is confess'd by both Parties, that those Countries

Countries were then possess'd by the Scots; and the Histories of both Kingdoms testify the same; and that the Scots held them from the Time of the said *Malcolm* to *Robert Bruce*, which was four hundred Years, is certain from the Histories, as we shall make it appear more at large in the following Chapter: whence I infer, that the Scots did at that time possess some English Provinces; and therefore it does necessarily follow, that they held them either with or without the King of England's good Will, or as the Effect of his Liberality. That the Scots held them against the King of England's good Will is not very likely, nor is there any English-man who would confess it though true; for seeing the Inhabitants of those Countries were originally English, they were not kept in subjection by the Scots without difficulty, their Inclinations being always towards the English, which rendred our Possession of those Countries very uneasy; and the like happened in *France*, as is witnessed by *Polydore*: for though either the whole, or at least the greatest part of it were due to the King of England by Hereditary Right; yet the French having a greater Propension towards their own Native Prince, did always administer both Opportunity and Assistance to de-

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prive



prive the English of those Provinces; and therefore to say that the King of Scots possessed those Provinces, which were inhabited by the English, against the King of England's Mind, is both very improbable, and against the Truth of History. And if we possess'd them with his good Will, it must of necessity have been the Effect of his Benevolence, and by Consequence that we held them in *Fee*, seeing a *Fee* is nothing else but the gratuitous Bounty of the Lord in favour of the Vassal, for which he is to perform Fealty or Homage; for as I said before, where there is a Benefit, there is Homage, but where there is no Benefit, neither can there be any Homage: and therefore it necessarily follows from those things, that the King of Scots did owe that Homage for *Cumberland*, *Westmoreland*, and *Northumberland*, the Beneficiary Countries, and if he perform'd it, what Wonder!

And seeing there were not two Homages perform'd, (for none of the Monastical Writers do mention two) and that it appears there was only One, let us enquire further, (though it be plain enough from what is already past) whether it was for *Scotland*, or for *Cumberland*, and the other Provinces. In all Paiments, Lawyers will have the Paiment to be interpreted according to the meaning

meaning of the Debtor, and that the Paiment was made for that which the Debtor said it was: But our Country-men when that Debt was paid, did plainly exprefs, that they paid the said Homage for those Countries. The English confess the Paiment, but suppress the Cause for which it was made, that they may be at Liberty to wrest it as they please. Yea, *Henry VIII.* though he makes mention of this Homage very often, yet he never affirms, that it was for *Scotland*, except in the time of *John Baliol* and *James* the first, of whom in the following Chapter: and therefore the Expression and Interpretation of the Debtor, and not of the Creditor, is to be receiv'd in this Homage. Again, according to Law, if Paiment be made without Addition of what Debt it is for, the Paiment is understood rather for that which is uncontroverted, than for that which is; and if there be two Debts, the one Certain, and the other Dubious, the Paiment is presum'd to be for that which is certain, and not for that which is doubtful. But no Body is ignorant that it is controverted, whether this Homage be due for *Scotland*, for though the English do pertinaciously assert it, we do as constantly deny it: that it was due for *Cumberland*, *Northumberland* and *Westmoreland*,

*Cumberland*, is confess'd by both Parties, so that this Debt is out of all Controversy; and therefore Reason perswades, and Law presumes, that the Payment was made for those Countries, when every thing is to have its due, as Lawyers speak: for matters of Fact that are dubious, are always to be interpreted in the best and kindest Sense for the Agent, and according to the Reason of the Subject Matter; so that that is to be presum'd to be the Sense of the thing done, or to be done, which is the most apt; for that is the greatest of all Fallacies, to transfer what is said concerning one thing to another, whether it be Person or Thing; but the incurable Itch of Scribbling corrupts all things.

However we labour in a plain Case, for both *Matthew of Westminster*, *William of Malmesbury* and *Roger Hoveden*, do plainly confess, that *Cumberland* was given to the King of *Scots*, to be held of the King of *England*, that he might assist him; so that this Homage cannot be accommodated to *Scotland*, but only to *Cumberland* and the Neighbouring Provinces: Nor is it true that King *Constantine* perform'd Homage, but only *Malcolm*, who was made Prince of *Cumberland* on that Condition. But *Malcolm* could not perform Homage for the King.



Kingdom of Scotland, which was then free, and of which *Constantine* was Sovereign: For he only ought to perform it, who is Possessor of the Kingdom, and not the Heir Apparent as we call him. For *Cumberland*, *Malcolm* both could, and ought to have done it, seeing he held it in Fee of *Atbelstan*. Then what Perverseness is this, to attribute to one thing, what is only proper to another, with the greatest Disadvantage and Absurdity in History that can be, where there is not the least Shadow of Probability?

Whilst *Holinshed* seeks for Arguments, on every Hand, as to *Atbelstan*, that he may confirm this his imaginary Superiority, he brings for Proof a Miracle taken out of the Life of *St. John of Beverly*; whence it may be readily conjectured, that whatever we have mentioned above, as recorded by the Monks, came from the Work-houses of *St. Cuthbert*, *St. James*, or some other Tutelary Saint. But this ridiculous Miracle is as follows: *Atbelstan* being at *Dumbar*, and doubting, as well he might, whether or not the Superiority over *Scotland* was rightfully due to him; he pray'd to God, not through the Merits of *Jesus Christ*, but those of *St. John of Beverly*, that he would discover the Truth to him by some Miracle; and having

ving forthwith drawn his Sword, He struck a huge ill-shapen Stone, of which there are abundance, in that Place, and made a great Cleft in it; and, says the Manuscript which I have in my Custody, the Stone cut as easily as if it had been Butter or Bees-Wax.

Now let the stubborn Scots go and elude this Superiority, confirmed by so great a Miracle, if they can, the Memory whereof, says *Holinsbed*, is still to be found in the Stone at *Dumbar*; though some of the profane Scots cannot hear of this Miracle without Laughter, and say, That the Author design'd only to express the Fable of *Actius Navius the Augur*: Yet this is writ and receiv'd as a Truth by most of the English, and hath occasion'd many, and particularly my self, to wander among those Rocks, to see if there were any Stone with such a Cut in it to be found. There are things added no less ridiculous, concerning *Athelstan's* Knife, which was deposited on the Altar of *St. John of Beverly*, at the Time of that Expedition into *Scotland*, which he redeem'd again with great Largesses and Endowments, when he return'd victorious.

But the History is plain in it self, that *Athelstan* having overcome the Prince of *Scots*, took from him the Provinces of *Cumberland*, *Northumberland* and *Westmoreland*; but

but not being able to maintain a War against the Danes and Scots both, and conceiving that the Scots would be more easily reconcil'd than the Danes, who aim'd at the Sovereignty of the whole Island, he renewed his Friendship with the Scots, and gave them *Cumberland* and *Westmoreland* to hold of him, and so he who was design'd Successor to the Crown of *Scotland*, was call'd Prince of *Cumberland*, whom the unlearned English Writers call King of *Cumberland*: but *Athelstan* could not restore *Northumberland* at that time, because it was possess'd by the Danes. And thus our Historians agree on the Matter with the English Writers, but only that the English enlarge too much on this Victory, and vary from us in Circumstances: but however, this is apparent from the History of both Nations, that the Scots did faithful and gallant Service to the English in the Danish War, and that their Society and Friendship continued without interruption, till the time of the Conquest, as we shall make it appear by and by, from the very Laws of *England*.

*Albert Krantz* says, in his History of *Norway*, but falsely, that this *Athelstan* was a Cowardly Prince, and transacted with the King of *Norway* to deliver him his Kingdom after Death, on Condition that he



would divert the Arms of the Danes from him, adding, that he did only reign in a precarious manner, and had nothing but the *Ususfructus* (*usu Fructum*) of the Kingdom left him, and that also on this Condition, that he should send Auxiliary Troops whithersoever the King of Norway should command him. But here our Neighbours will object, that we must not credit Foreign Writers in every thing, because they allow themselves a great Latitude in things that concern the Dignity and Glory of their own Country: For what Man is there, say they, who will not laugh at those Stories of *Krantzius*, who says, that *Frotho* King of Denmark subdued Britain, kill'd their King, and defeated the Scots, long before *Cesar's* Time? Then if our Neighbours look upon themselves as injur'd, if without Judgment we resign our Faith to *Saxo Grammaticus*, *Krantzius* and other Historians of Denmark and Norway, in what they write concerning *Sueno*, *Cnutus*, &c. in their Conquest of England, because both of them are too much addicted to the Honour of their Country: Is it not the same Case, when the English would have us religiously to believe what their Historians have writ against us with so much Rancour? for we are taught by natural Reason, to give the blow

same Measure to others that we have from them, and that we should do the same our selves that we think equal in others. But however that is, we shall find more hainous things alledged against *Ethelfred* in the most approved English Histories, than what *Constantine* is charged with by those Monks; For they devoted their Hearts, Tongues, and Pens to amplify their own Liberty, and extol their Country. For *Ethelfred* King of England obtain'd the Kingdom precariously from *Sveno* King of Denmark, as *Saxo Grammaticus* testifies; and *Polydore* from him, who thinks that more likely than that *Ethelfred* was thrown out of the Kingdom, seeing he died in England. And to reign precariously, is much meaner than to swear Fealty to any one; seeing to reign precariously is no other than to enjoy another's Kingdom on such Terms, and so long as the Sovereign thereof shall think meet, and to remove from the same at his Pleasure.

But some may perhaps say, that if we reject this kind of Probation brought from Monastical Writers, what sort of Proof will we admit of as valid in a Matter of this Importance? I answer; That certainly any equal Judge when he perceives that the English affirm, and the Scots deny this Homage, will, according to Law and Equity, determine

mine in favour of the Scots, because they are in possession of their Liberty: for we are not to believe English Monks, who were at a great distance from the Place of Action, ignorant of the Causes and Circumstances of things, and built upon meer Rumours, in a Matter of so great moment. But if any Man can produce Deeds for this, writ by either Party, or Charters, and antient Monuments, corroborated by their Seals, as in the Case of K. *John* formerly mentioned, then they have something to which they may give Credit: But though they should produce the Testimonies, or Depositions of an hundred English Monks for the Dignity of their Prince, their Country, or Themselves, especially so many Years after the things were transacted, the English themselves would not, as I suppose, require my Belief in a Matter so absurd. But there are many other Reasons why I can neither believe the Monks myself, nor think that they deserve Credit from others. First, because our Laws do expressly forbid Credit to be given to such Testimonies as may be begg'd; but only to Witnesses who are upon Oath, as to the Truth of what they say: For Monks, as I have often said, being Strangers to the Affairs, and Publick Counsels of the Kingdom, and who never were present at those Transactions themselves,



selves, &c by no means to be admitted as Evidence in a Publick Controversy, especially Matter of Fact which hapned some Ages before they were born: for if they were brought to swear in Court, and the Judg should enquire at them if they knew the Parties against whom they are led as Evidence, they will say no. If they be ask'd, as to the Matter it self, how they came to the Knowledg of those things which they swear, what Cause, or, if not the true Cause, what probable Cause at least can they bring, *viz.* whether they saw those things, and were present at the Transactions, they will answer, no. If they be ask'd, how they come to know it then, they will answer with *Malmsbury* and *Florence*, that they had it from credible Men. If the Judg urge them further, and ask whether those credible Men saw those things themselves, they will also say, no; as they must of necessity do concerning things transacted so many Years ago. And if the Judg enquire further, how they know that those Men deserved so much Credit; they will answer, that they know it only by Hearsay. But Witnesses who swear only by Hearsay, and can give no probable Reason, as we use to speak, for their Deposition, don't deserve Credit in any Court. If they be interrogated concerning things done

done in their own Time, whether or not they know that the Scots surrendred or yielded themselves up? They will answer, we know they did. If they be ask'd, what a Surrender (*deditio*) is, and whether they saw the Scots surrender, and the English receive their Towns, Lands, Waters, Images, and all Utensils, Humane and Divine, (all which are required in a Surrender, nor can it be done without an expresse Stipulation, as is witness'd by *Livy* in the Surrender of *Collatia*, and the *Collatin* People) They will hesitate immediately, and tell you, that they don't mean any other Surrender, but that the King of Scots did put himself in the Power of the King of England, as they call it. If it be enquired, whether they know that Hostages were given, that Tribute was impos'd, and that their Arms were taken away? They will answer, that they know not that neither; and yet those are the Tokens of Subjection; But so is not any one's saying officiously, that he would put himself in another's Reverence, and do whatever he commanded? as was lately mentioned in the Case of *Canute*.

Again; If that Monk (whoever he be that wrote of this commentitious Homage) were interrogated, whether he saw that Homage perform'd and receiv'd? He will answer,

swer, no; for he was not at that Time within the Precincts of his Cloyster. If he be ask'd, whence he had it then? he will tell you, from credible Men who were present at the Transactions: But if he be ask'd again, whether those who pretended to be present saw the Homage perform'd? He will answer, they saw it. If he be interrogated, whether that Homage was perform'd for Scotland, or the Beneficiary Provinces? He will tell you, he knows not that; but only that he who related it, saw the King of Scots swear Fealty with his Hands put betwixt those of the King of England; but whether it were for Scotland or Cumberland, &c. he is altogether uncertain. If *Malmesbury*, *Hoveden*, and the rest of the English Historians, who have so inconsiderately committed it to writing, were examined concerning the Homage perform'd to *Athelstan*; they will answer, that the King of Scots did make a Surrender of himself: For that he surrendered to *Edward I.* they have read in that Legend of *St. John of Beverly*, which is repeated once a Month in the Church; or in that of *St. Eutbert*, or some other tutelary Saint. Or they will answer with *Polydore*, that they remember it is so writ, but are not Judges whether it be true or false.

Whereas



Whereas if they would speak the Truth, they should say that they have nothing for it but idle Reports; and they would not have committed things of that Importance to Writing upon such slender Proofs, if they had not been resolv'd to purchase the Favour of the Court, or the Applause of the Vulgar, and to write for the Honour of their Country at any rate: And shall those Testimonies, or such as those, prejudg the Equity of our Cause? How will the Scots take it to be branded with a Note of Servitude, you your self bear them witness Mr. *Holinshed*; and their being twice driven out of *Britain*, because they would neither subject themselves to the Britains nor the Romans, does sufficiently instruct it; and the most terrible Wars which they maintain'd against *Edward I, II, and III.* upon this very account, are sufficient to perswade any Man that reads them of the Truth of it. For though the Scots were overcome by *Edward I.* in three or four fatal Battels, yet they could never be brought to acknowledg this commentitious Homage, neither by Flattery nor Threats, nay nor even by the Destruction of their People and Country: but having recovered their Strength, they never desisted from fighting until they compell'd *Edward III.* who

who was call'd the English *Achilles*, and above twice as powerful as *Atbelstan*, to contain himself within his own Bounds, and abjure that Homage which his Grandfather had extorted from *Baliol*. The Scots were also overcome by *Osbright* and *Ella*, and by the Danes, in two very great Battels, wherein they lost two Kings; yet they never abandon'd the Cause, yielded up themselves, nor perform'd Homage: Nay in this present Age, we have been defeated in two bloody Battels; in one of which we lost a most valiant King, whose Heir was scarcely one year old; and in the other, the Flower of our Nobility: yet neither did we make a Surrender of our selves, nor was Homage demanded of us. Is it so then Mr. *Holinshed*, that we cannot be beat, but you will have us to surrender upon it immediately? For as often as the Rabble of English Historians find it mentioned that the Scots were defeated, then straight they will have them to be subdu'd, reduc'd, ask Mercy, and yield up the Kingdom; but as to the Victories of the Scots, or how they delivered or recovered their Country, there's always a profound Silence. Or is it credible, that if the Scots had been so defeated as to be out of all hopes of restoring their Monarchy, that *Atbelstan*

*Athelstan* having that Kingdom in his power, which he and his Ancestors had so greedily coveted, would have left them the Name of a King? if it be so, it's without a Precedent. For when *Ireland* was conquered, their Kings were commanded to lay aside the Royal Title, as I have mentioned before, and so became fiduciary Earls: And the like did happen before that in *Wales*; which being once conquered, was depriv'd of the Royal Title: and when *Northumberland* was surrendered, it lost the Name of a Kingdom. Then let *Malsbury* say whatever comes uppermost, and alledg that *Constantine* was forc'd to resign his Crown, to which he was afterwards restor'd by *Athelstan*; who, according to him, said that it was more glorious to make Kings than to be one; he will never be able to perswade any Man that the King of *England* would have left a King in *Scotland*, if it had been in his Power to hinder it, or suppress the Royal Title. But *Malsbury*, *Hoveden*, and others, have left it so in Writing, say the English, nor can any probable Cause be assign'd why they should lie. If any Body will compare the Time when those Writers liv'd, with the Matters then transacted, it will appear that all of them wrote their Histories at that Time when  
this



this Homage was most fiercely disputed between the two Kings: And seeing those Monks could not defend the Cause of their Country by the Sword, it needs not seem strange to any Man that they should favour what they could with their Tongue and Pen: And this Victory was also obtain'd in England, when Scotland at the same time was not so much as touch'd. What the Legend of St. John of Beverly asserts, that *Athelstan* entred Scotland as far as *Dunbar* to fight *Constantine*, is utterly false; for this Battel was upon the *Humber* in England, and *Athelstan* was then endeavouring to drive the War from home, but not making it upon others: and therefore it is not credible, that when the Kingdom of Scotland was not so much as touch'd, that the Scots should despond so far as to subject themselves to a needless Surrender. *Hoveden* says, that *Athelstan* wasted Scotland, as far as *Feador* and *Waltermor*; whereas there are no such Places to be found in Scotland, it being probable that they were swallowed up by some Earthquake with those two Farms of *Oddam* and *Roddam*, which you, Mr. *Holinsbed*, will have to be in *Annandale*, though we Scots-men never heard of them. But the greatest Hindrance we meet with in this Confutation

is, that the Years wherein those things were said to have been done, are not set downe which if they had, it would have been easy to refute those Vanities by comparing Times together; but our Neighbours, as they take no notice neither of Time nor Place, so without Authority or Evidence, they do constantly reproach us with this Commentitious Homage. And that they may be sure to brand us on every side, they will have it that the Scots were conquered twice; first by *Athelstan*, and afterwards by his Brother *Edmund*. Which *Polydore* does however assert to be false, and that it is only the Victory of *Athelstan* repeated, and ascrib'd to *Edmund*. So that the English Historians set no Bounds to their Rancor and Malice against the Scots; and therefore they must pardon me if I tell them plainly, that I do not believe them; for they deserve no more Credit than they would give to the Writings of our Monks concerning a Question which might prejudg the Kingdom of *England*. I have been larger than was meet upon this Affair, because our Neighbours have no other English Saxon King whom they can object to us, nor no other Victory over us but that which he obtain'd. But what they

they can infer thence, I see not; for *Athelstan* could not be the true King of *England*. So much as to the Question of Fact, Whether Homage was perform'd for *Scotland* or not? The Question of Right remains, Whether *Constantine* or *Malcolm* could enslave the Kingdom, which they received free from their Ancestors, to another King; or render it up to hold in Vassalage, and oblige their People to serve another Prince? But we will remit this Question to another Place, because it is sufficient to overthrow all that our Enemies have hitherto advanced. And now I return to those things which they object against us in particular.

P<sub>2</sub> CHAP.



## CHAP. XIX.

*Concerning Edmund, Eldred and Edgar, English Saxon Kings, and whether they pretended any right to the Superiority of Scotland.*

**Y**OU subjoin, Mr. *Holinshed*, that *Indulphus* King of Scots, with ten thousand Men serv'd under *Edmund* Brother and Successor to *Athelstan*, and did Homage to him; and here you do manifestly play the Sophister, as you have done all along. *Indulphus* being only Heir apparent to the Kingdom, and designed Prince of *Cumberland*, did assist the King of *England* with Forces, as he ought. But being declared King of *Scotland*, he never saw *Edmund*: Nor is there any mention of this Homage in *Malmsbury*, *Huntington*, *Hovedon*, *Westminster*, *Florence*, *Polydore*, *Stow*, nor in your own History, Mr. *Holinshed*, nor any other English Writer that I know of. We will grant you, that he brought ten thousand Scots Auxiliaries to *Edmund*, who would never have hazarded himself against the Danes without them, but by their Assistance he did happily overcome them:  
Nay,

Nay, which is more, when *Indulphus* was importun'd by the Danes, not to disturb them in their Wars against the English, he refus'd, and drew the Arms of the Danes from the English upon himself; and having fought and conquered them in a terrible bloody Battel, he pursued a flying Brigade unwarily, and (as our Country-men have often smarted for their too great Forwardness and Heat) he was kill'd by a Body of the Danes, which had never been broke. And for these good Services we must be reckon'd to have serv'd you as Vassals: whereas indeed the English Kings who were sensible of our Assistance, that they might repay the Kindness, did permit the Scots to enjoy those Northern Countries of *Cumberland*, *Westmoreland* and *Northumberland*, in Memory of the Kindness received: but that they did Homage for *Scotland*, there is not so much as one of your own Monks who hath left it in Writing.

You and the Author of *Henry VIII's* Declaration of War, *Mr. Holinsbed*, do both assert, that *Edred* or *Eldred* received Homage from *Irisius* King of Scots; but that I may answer both of you, there's no such Person as *Irisius* to be found in the Catalogue of the Scottish Kings: so that any Man may deservedly reject this fictitious Homage with the fictitious

King ; nor does any Man besides your self and this Forger, make mention of this Homage : but that I may also deprive you of your own Evidence, there's not only no mention of this Homage in *Malmesbury*, and the rest of the English Writers, nay, nor even in your own History, Mr. *Holinshed*, which certainly you would never have pass'd over, if you could have found any Author for it, such is your Candor towards us. This is wonderful Ignorance in those Monks, that when they give Evidence against our Kings, they don't so much as know their Names ; for most of them, especially *Edward I.* and *Henry VIII.* as we shall see afterwards, write, that *Irisius* and *Reinaldus* were Kings of *Scotland*, and perform'd Homage to the Kings of *England*. But if all the Catalogues of our Kings, and all the publick Monuments be examin'd, there are none to be found either by the Name of *Irisius* or *Reinaldus*. Indeed they shall be at liberty for us to feign what they please concerning *Irisius* and *Reinaldus*, so as they don't call them Kings of *Scots*, or if they will have them to be such, that they would say at what time, and how many Years they reigned ; where and to whom this Homage was perform'd, and what Author they can produce for it. And as to  
what



what you say, that the Homage was performed by the Barons of Scotland, it proves your ignorance of the Feudal Law; for the Barons, as the greater Vassals, do swear only to their own immediate Lord, and he swears for them to the Liege Lord.

But you say, that *Edgar* Brother to *Athelstan*, did reign over all *Britain*. What the Latins and your Writers understand by the Name of *Britain*, hath been said elsewhere. But you assert, that he received Homage from *Kennethus*, for the Kingdom of Scotland, and appointed *Malcolm* to be Prince thereof. You have indeed lost all sense of Difference betwixt Truth and Falshood, but do still retain that betwixt Love and Hatred: For *Malcolm* was born Heir of Scotland, and declared Prince of *Cumbria*. You add, that *Edgar* did restore *Lothian* to *Kennethus*, which *Osbright* had taken away from him. But it appears both by your own Writings, and ours, as I have said before, that the Kings of Scotland had not only recovered those Provinces by force of Arms long before this *Kennethus*, but were also gifted with many Countries by the English, for their faithful and gallant Service against the common Enemy the Danes.

It remains that we speak something of the Homage. It is very probable, nor do we deny it, that *Malcolm* Prince of *Cumberland* did perform Homage for his Principality: but *Kennethus* who was then King of *Scotland*, never saw the King of *England*; or tell us we pray you, Mr. *Holinshed*, in what Year, and at what Place had those Kings their Interview, or what Author have you for it. *Polidore* writes, that *Edgar* did keep the Scots within Bounds; and that uncertain Author, who continued *Bede's* History, says only, that *Kennadus* K. of Scots, and *Malcolm* King of *Cumberland*, did bind themselves to *Edgar* by a perpetual Oath (*perpetuo Sacramento.*) Many times those who are not Subjects are thus obliged; for Princes do usually ratify the Leagues and Covenants betwixt themselves, with an Oath, (*Sacramento:*) but as to the Homage, there is no mention thereof in him, nor any other English Writer, although he calls *Edgar* the Honour and Delight of *England*. As to the Lodgings or House at *Westminster*, in which the Kings of *Scotland* us'd to perform this Homage: It is credible that the King of *England* did not only furnish him Lodgings there, but also bear the Expences of his Journey, and that according to Agreement. For seeing the King of Scots did not

not think himself obliged in Law, to perform Homage any where, without the Bounds of his own Fee, or if without his Fee, that his Lord ought at least to bear his Charges: It was agreed upon betwixt both Kings, who did then live in the strictest Bonds of Amity, that assoon as the King of Scots should come over his own Borders, he should be received by the Peers of England, with one Bishop, and one Count, and conducted to the King, at the publick Charge: which we confess was first agreed on by Edgar, as we shall afterwards explain it in Richard I; and as it is prescrib'd by the Feudal Law. And thus the King of England being summoned by the French King, was obliged to go. As for the *Jus Custodiarum*, which we call *Wards*, and that you attribute to the Institution of Edgar, and infer thence, that we were then his Subjects, because we did afterwards embrace that Law; the form of your Argument is both disagreeable to the Rules of Disputation, and it consists of a false Proposition. For the Law concerning *Wards*, which you ascribe to Edgar, is by our Writers ascribed to Malcolm the second, who reign'd at the same time: to which of them then do you say, shall we give Credit? To ours certainly, there being none of your Writers that I know



know of, who mention this, or any other of *Edgar's* Laws, but our *Malcolm's* Laws are still extant. But to omit the Testimonies of English and Scots, *William Terren* a Norman, who it's suppos'd would not detract any thing from the Offspring of his own Country, does attribute the same to us. Neither is this true, that the said Law is only observed amongst the English, for you had it from the French, and especially the Normans, who retain it to this very Day. And if we take a true Estimate of the whole Affair, neither the French nor English, yea nor the Scots, were the first who did institute this Custom; for all *Wards*, (*Custodie*) and *Weirds of Marriage*, (*Heredum Maritimationes*) came from the Feudal Law: for it is equal and just, that when the Vassal is incapable by reason of Non-age, of giving that Service and Advice which he owes to his Lord, that until such time as he is capable, the Lord receive the Fruits of his Fee, that he may be able to provide for his own Service, and in the mean time take care that his Vassal's Heir, who is also to be his own Vassal in time, don't marry into a Family which is at Enmity with his Own, and be by that Means withdrawn from his Love to his Lord: Nor does it any more follow, that the Scots were subject to the English

English upon this account, because they followed their Example for their own convenience, as all Governments use to do, than that they are subject to them now, because they have lately followed their example in laying an Impost upon Goods imported, especially Wine. But the truth is, Mr. Holinshead, you indulge your self too much in a Liberty of forging what you please.

What you assert as to the Homage performed to your Edgar at Chester, by Kenneth King of Scotland, Malcolm King of Cumberland, Marco King of Man and the Isles, Dunwallus King of South Wales, Osfor and Howel Kings of the rest of Wales, James King of Galloway and Jucullus King of Westmoreland, who were all of them as it were condemned to row Edgar's Galley, while he sat on the Stern, is wholly ridiculous. Believe ye as the Lyrick Poet says, *Isti fabula fore Librum persimilem cuius velut agri somnia vana finguntur species.* For though those things be excerpted from that Anonymous Author of the Continuation of the English History and others; yet how little Credit either you or they deserve will easily appear: Where did you find those call'd Kings of Cumberland, Galloway, Man, or of our Isles? Who dignified them with those

those Titles? When and from whom did they receive the Royal Name? *Cumberland* was at that time a Province, not very large, and appointed for the Eldest Son of *Scotland*, under the Name of a Principality; but no Man did ever hear or write that it was call'd a Kingdom, except some silly Monks, who receive every little Whisper and Rumor as Oracles. Nor is this Kingdom numbred amongst those seven or eight which were founded by the Saxons; and besides these and the Scottish Kingdom, there were no other than in *Britain*. I know that *Malmesbury* calls them *Reguli*, *Petty Kings*, whereas indeed they were only the Princes of *Scotland*, but always design'd by a Royal Title, in the Writings of those ignorant and unexperienced Monks; and as during *Edgar's* Reign, there was no other King of *Cumberland* than he who was design'd Successor to the Crown of *Scotland*, so *Galloway* is but a small part of the Kingdom of *Scotland*, and that not very fruitful: so that to imagine any King to have reigned there at that time is wholly ridiculous, there not being at this Day above four or five in it, who are honoured with so much as the Title of Barons. As to what number of Kings did inhabit *Westmoreland*, *South Wales* and *North Wales*, I don't concern



cern my self; but this I know, that not one of them was ever saluted by the Name of King, or left on Record to Posterity under that Title. I take no notice of your reckoning the King of *Scots* amongst so many other Petty Kings, whereas that tends as much to your own disgrace as ours, seeing you were never able to subdue that Prince, how inconsiderable soever he was, by force of Arms. But we will grant you that those little Petty Sub-Kings were in a manner tied to Chains, and expos'd to contempt, or rather, as you will have it, led in triumph by *Edgar*. Must those things which are done by Princes, either for their Pleasure, or to try their Strength or Skill in Rowing, be drawn into Consequence? All the Kings of *England*, as well before as since the Conquest, and as they do at this very Day, were accustomed to celebrate the Feast of our Lord's Nativity with great Banquets, and splendid Entertainment, and to invite their Neighbouring Princes out of kindness, and amongst the rest, all the Princes of *Wales*, how many soever; and the King of *Scots* who was also a Vassal to the King of *England*, could not honestly refuse, but upon what Conditions we have said already, and shall explain anon in *Richard*. This Solemnity us'd to be continued to *Epiphany*,  
till

till after which they did not use to dismiss their Guests, and on the Eve before they chose a King according to Custom whose Commands all the rest were to obey during the Solemnity. The Lot fell upon *Edgar*, so that he commanded the rest, and they must of necessity obey; but shall we draw an Argument from this ludicrous Festival? Certainly both the Assertion and Proof of this Homage was very much affected, which was built upon no other Foundation. What if this most Potent Prince of yours had submitted himself to some such pitiful Fellow as you use, for Diversion's sake, to create King upon such an Occasion, and had given him the right Hand, allowed him the Regalia, and waited on him by Land or Water for a day or two; would you therefore infer, that he was subject to this pitiful Fellow? Neither do you set down the Year that this Homage was perform'd in: But how much more wisely did *Cannute* King of *Denmark* and *England* behave himself; that when he was saluted the most Potent Monarch on Earth by his Flatterers, as he walk'd upon the Shore of the Sea, he put off his Robe, and sitting down on a Chair within the Sea-mark, forbade the approaching Wave to touch his Feet, but being wet by the same, he

he is said to have turn'd him to his Parasites, and spoke thus, *Lo, he whom you salute as the most Mighty, cannot so much as command one single Wave*; therefore let all Power be ascrib'd to the great God, as it ought to be. But to return to your *Edgar*, that Saying of his concerning so many Kings his Subjects, was wholly barbarous, and an Evidence of a Mind too much elevated, even above a humane Lot, for which the English were deservedly punish'd not long after, being forc'd to redeem themselves, their Wives and Children, and Liberties twice or thrice from the Danes, and were at last despoil'd of the Kingdom, and all their Military Glory, first by the Danes, and then by the Normans.

You will also have it, that *Edgar* provok'd *Kennadus* King of Scots to a Duel, viz. in *England*, whither he had invited him to a Feast: and if he declin'd this Duel in *England*, what wonder, especially with his Host, lest he should violate the Laws of Hospitality, which we read in the second Punic War to have been refus'd by *T. Quintius Crispinus* to *Campanus* his Host. Though it is evident that *Kennadus*, whom we call *Kennethus* or rather *Canutus*, was very valiant in War, and none of our Historians do so much as make mention of his having ever been in *England*.

You



You say that *Edward* Son to this *Edgar*, made War upon *Cannethus* King of *Scots*, for poisoning Prince *Malcolm*, whom you call *King*. That *Kennethus* poisoned *Malcolm* his Nephew, and him who should have been his Successor in the Kingdom, you have from our Historians : but that *Edward* made War upon him on that account, is your own Forgery ; for neither does any English Historian, nor any of ours whom it did most concern, say any thing of it. Your own *Polidore*, that uncertain Author, *William Newbriggs*, *Westminster*, *Malmsbury*, *Hoveden*, nor no other of your Writers have any thing concerning it ; nor do you your self mention it in your History, where you are a little more modest : so that you have nothing of *Kennethus's* being subdued by War, nor having perform'd Homage ; but here according to your depth of Judgment, you think it as easy to subdue the *Scots* as to write it. I don't marvel that you who write so many Wonders, should relate that *Kennethus* King of *Scots* poison'd *Malcolm* King of *Scotland* : I pray you, Mr. *Holinshed*, were there two Kings, one of *Scots* and another of *Scotland* ? but I plainly perceive that you have declared War against Truth ; all what you say of *Kennethus's* having promised to receive any one that *Ed-*  
ward

ward should offer as his Successor to the Crown of Scotland, is of the same Piece, and that he set one *Malcolm* (for so you name him by way of Contempt) over them. Whereas this *Malcolm* was the true Successor of the Crown, and *Kennethus* his own first-born, to whom the Monarchy fell of Right: for as I have said, our Kings are born and not impos'd, nor subjected to another's Pleasure; nay, the Father himself cannot invert the Law of Succession, so that *Kennethus* promised what he could not perform, if what you say be true. We don't deny that *Malcolm* perform'd Homage for *Cumberland*, (for it was held in Fee of *England*) but for *Scotland* he neither ought nor could perform it, seeing there was another then in Possession of the Crown, *viz.* *Kennethus* his Father, who was obliged to perform this Homage if any such had been due.

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CHAP.

## CHAP. XX.

*Concerning Ethelred, Edmund Ironside, Canutus and Edward Kings of England, and whether ever they pretended any Right to Scotland.*

**Y**OU will have it that *Ethelred* Brother to *Edward*, design'd to make War upon this *Malcolm*, because of his conspiring against him with *Sueno* King of *Denmark*: but *Malcolm* having submitted himself, and begg'd Pardon in a very humble manner, *Ethelred* had compassion on him, and received him into his Protection, and that afterwards he recovered his Kingdom by the gallant and faithful Service of *Malcolm* and his Forces, out of the Hands of *Sueno*, and reign'd over all *Britain* thirty eight Years: But you had done better, and perhaps more faithfully, if you had always excepted *Scotland*. One token of Candor however you have throughout your History, that you confess the Danes were expell'd out of *England* by the Assistance of *Malcolm*, who ow'd the same for *Cumberland* and *Westmoreland*; but as to his Submission, there are none of your Writers who make any mention, nor do you your self in your History



History wherein you are something more modest. It may be when he cleared himself from the Conspiracy with the Danes, which yet is not mentioned by any Author, you wrest it to a Submission and Subjection as you do every thing else; neither is your Inference of his having paid Homage, because of this Subjection, just: but according to our Historians, this *Malcolm* was very Fortunate and most Victorious, none of our Kings having given the Danes more Defeats, and turn'd the Arms of the *Danes* and *Norwegians* from the English upon himself; and having broke their Strength in four or five great Battels, did at last drive them wholly out of *Scotland*, and obliged them to an Agreement upon Oath never to return to *Scotland* in an Hostile manner; a Condescension which they did never grant to any of the Kings of *England*, who for the most part purchas'd Peace for themselves and their Subjects with Money, as being unequal to the Danes in Arms, which is own'd by *Polidore* and all others that ever wrote the History of *England*. But say they, there is in that Place where the last Battel was fought betwixt the Scots and the Danes, a Chappel erected in Honour of *St. Olavs* the Patron of the *Norwegians*. What that Chappel is may yet be seen, (for

Q 2 it

it is still extant); certainly no Man can look upon it as a Monument either of Victory or Submission, it being only erected for the Interment of some of the Norwegian Nobles who were Christians: And we may justly glory in this, that for 200 Years together we sustain'd the most violent Impressions of the Danes and Norwegians, and forc'd them to abandon their Design, though we were attack'd by many of their Generals and Armies, there being but a narrow Sea betwixt us. Whereas you, though attack'd by a smaller number of their Forces, did at last yield, and submitted to their Yoke for 27 or 28 Years: Nor were you able to deliver your selves from this intolerable Servitude by any other Method, than that of a barbarous Conspiracy to murder them all in one night.

You say next, that *Edmund*, Son to *Ethelred*, being compelled thereunto by his Mother *Emma*, divided the Kingdom with *Canute*; and yielded him the Countries be north *Humber*, with the Superiority of *Scotland*; which *Malcolm* resisted according to the usual Form, but at last perform'd Homage for the Kingdom of *Scotland*, which *Canute* held of *K. Edmund* as long as he liv'd; and compell'd *Malcolm* to dedicate the Church, lately mentioned, to *Olaus* the Patron of the Norwegians: and so you make

two superiour Lords of *Scotland*, and create a double Superiority. For according to you the King of *Scots* held *Scotland* of *Canutus*, and he of *Edmund*; so that there is no end of Lying when once a Man breaks over the Boundaries of Modesty. It is no Marvel Mr. *Halsbed*, that you are so ill seen in our History, you are so very ignorant of your own. For what Author did ever write, that *Canutus* and *Edmund* were reconcil'd by *Emma*? Nay, is it not the height of Folly to commit those things to Writing, that can be proven to be false from other Writers? For *Canutus* and *Edmund*, when they had fought together in a Duel till they were both weary, did reconcile themselves without *Emma's* Privity. Nor did *Emma* marry *Canutus* until *Edmund* was dead: Neither was she Mother, but only Step-mother to *Edmund*; so very ignorant are you in your own Mistory. But that *Canutus* was invested with the Superiority of *Scotland*, no Man besides your self did ever write; nor do I believe that it was ever read before, that *Malcolm* did then swear Fealty to him: No truly; and I am afraid that you do rather want Honesty than Knowledge; and that you did not write those things by Mistake, but because you had a Mind to deceive others, or did at least believe that none of our Country-men would

ever



ever read those things; and therefore you thought your self at liberty to blab and prate what you pleas'd. That little Church dedicated to *Olaus*, might perhaps have been some Argument if the Norwegians should require Homage, though that would not be sufficient neither; but how it can be an Argument of the English Homage, I don't see. If it had been a Trophy of any English Victory erected at the Appointment of *Ethelfred* or *Edmund*, it had never been consecrated to *St. Olaus*, the tutelary Saint of the Norwegians; but to *St. George*, the Guardian of *England*, seeing there were at that time most cruel and bloody Wars betwixt the English and the Norwegians. But all this, *Mr. Holinshed*, you have from our History, which you do miserably pervert. And if it were as you say, with what Confidence can the English redemand this Superiority of *Scotland* from *Canute's* Successors, the Kings of *Denmark*? for neither can the King of *England* own himself to be *Canutus* his Heir, nor seek that again which he hath gifted to another.

And because we are fallen upon *Canutus*, whom *Holinshed*, both in this little Treatise, and in his History, entitles King of *England*, *Denmark*, *Norway*, *Scotland*, and *Sweden*; and says that he demanded Homage from  
*Malcolm*,

*Malcolm*, who only resisted him for fashion's sake: It remains to be enquired, whether those things agree with the Truth of the History. And first, *Mr. Holinsbed*, you alledg in your History that *Canute* went into *Scotland*, and did not only overcome King *Malcolm* in that one Expedition, but also two other Scottish Kings, *Macbeth* and *Jeokmar*, without much Trouble, and forc'd them to profess themselves his Subjects.

That there were three Kings of *Scotland* at that time when *Canute* undertook the Expedition, is not very probable; their Names not being in the Catalogue of our Kings, nor never so much as heard of by us. *Matthew of Westminster* does advisedly forbear Names; and I should have look'd upon it as a Typographical Error, had I not found the very same Names in *Huntington*, and also in *Caradocus*, a Welch Historian, who was certainly led into that Mistake by the English Monks. And they do all of them take notice, that this was done after the Return of *Canute* from *Rome*, but say nothing of the Causes of this War, which they call only Rebellion; neither do they make any mention of the Year, with what Forces, under what Generals, or in what Place the Battels were fought. Must we then believe such unlearned and ignorant Monks, who did not know the

Names of the Kings that perform'd the Homage, and against whom they gave their Evidence, and who confess they knew not the Cause of the Transaction? But that Argument will not be able to stand before the more weighty Evidence of greater Men, nay even of *Canute* himself: For *Polydore* says that he went to *Rome* in the Year 1030. that on his Return, he took Arms against *Richard* Duke of *Normandy* for having divorced his Sister *Hilfritha*, and died in *Normandy* soon after his Landing. This Author does not only pass over all his Expedition into *Scotland*, as a thing that never had a being, but also asserts that immediately after his Return from *Rome*, he made War upon *Richard* D. of *Normandy*, and died in the Expedition. But those good Historians ascribe that Time after his Return, to his subduing of *Scotland*; which they give out he did without much trouble. *Florence of Worcester*, *Hoveden*, the Continuator of *Bede*, *Ethelverd* nor *Ingulph*, have nothing of this Expedition of *Canute* against the Scots; and would never certainly have omitted a thing so considerable, if it had been true. But what farther Inference can be drawn from those things, supposing them to be true, as they are notoriously false, but only that Homage was perform'd; which perhaps we may grant them, as being equal



equal that he who was Vassal for *Cumberland* and *Westmoreland*, should perform the same to his Lord and King.

But they say that *Canute* was a King of four Kingdoms, viz. *Denmark*, *England*, *Scotland* and *Norway*: I oppose *Canute* himself to those empty Triflers, most of his Letters are still extant in *Malmsbury* and *Florence* as well as in *Ingulph* and others, wherein he styles himself only King of *Denmark*, *England*, *Norway*, and a great part of *Sweden*; and certainly if he had been King of *Scotland*, he would never have pass'd that over in silence, when he takes notice of his being King of *Norway* and a great part of *Sweden*: Were we unworthy to be named amongst his Conquests? don't we read that *Gethus* King of *Orkney* afforded Subject of Triumph to *Claudius*? I cannot then imagine any other reason why he should not have taken notice of us amongst his Titles; and therefore it must of necessity follow, that either *Canute* or *Holinshed*, with his *Malmsbury* and *Huntington*, have forgot themselves; it is not usual with Kings to omit any of their Titles, nor would he have pass'd over *Scotland*, who set down a great part of *Sweden*. *Canute* on his return from *Rome*, which was not long before his Death, writ to the Archbishops of *England*, and others

others of both Orders, Ecclesiasticks as well as Laicks. And it is to be seen in *Florence* abovementioned, when he divided his Kingdoms amongst his Children a little before his Death, that he calls himself King of *England, Denmark, Norway* and a great part of *Sweden*, but there's no mention of *Scotland*, neither in *Florence* nor *Krantzius*: and this Letter is to be found both in *Florence* and *Ingulph*. So in the Preface to his Laws which he gave to the English, he writes himself King of *England, Denmark* and *Norway*, but is still silent as to *Scotland*: And in many of his Donatives to Churches, he caus'd the Inscription only to be, King of *Denmark, England, Norway*; but if *Holinshed* have a Mind to excuse himself, as having set down *Scotia* for *Suecia*, by the Mistake of the Clerk, it is both a probable and pardonable Error. *Krantzius* the Danish Historian, takes notice indeed, that *Canute* govern'd five Kingdoms, but has not one word of *Scotland*: and whereas *Holinshed* writes, that *Scotland* was subdued without much to do, he acts therein like himself, though it is not so easy to subdue *Scotland*, as to write so. But if I should rehearse all his Calumnies and Comments, my Book would swell to a greater Bulk than his History: But that I may stop the

the Mouths of those ignorant Monks, (to say no worse of them) who do write so often that the Scots rebell'd, were routed, conquer'd and subdued, I shall exhibite here one Testimony of King Edward, who succeeded Canute, which will overturn all those Calumnies. For when it was debated in the publick Meeting of the States or Parliament, *Who ought to be accounted as Denizens of England, and enjoy the same Privileges with them: Those of Britany in France were nam'd, first, because they were originally from England. Edward added the Welch next, because King Inas married a Wife out of Wales, and at that time there was a general Intermarriage betwixt the Welch and the English. The Scots were mentioned in the third Place, who almost all of them, especially the Nobility, had married with the English, and so at that time two became one Flesh throughout all Britain, by which they became one Nation, and one People through the whole Island. All those abovementioned (says he) did ever stand stoutly as one Man, for the common Utility of the Crown and Kingdom against the Danes and Norwegians, fought it most valiantly and unanimously against the Common Enemy, and bore the Burden of most fierce Wars in the Kingdom. This I have transcribed verbatim, lest any one should accuse*



\* In Ar-  
chaiono-  
miâ.

cuse me of adding somewhat of my own. *This Law of Edward, William the Conqueror confirm'd in the publick Meeting of the States* \*, as they are translated from the Saxon Tongue by *William Lambard*, in the Edition printed at *London* by *John Day* in 1568, and indeed there are many things in this Law worth the taking notice of. The first thing to be weigh'd, is the Title which is concerning those who may and ought of Right to cohabit and remain in the Kingdom of *Britain*. Secondly, It is expressly provided, that the Scots may and ought of Right to cohabit and remain in the Kingdom of *Britain* or *England*, that is, be accounted Denizons, and enjoy the Privileges of the Kingdom. There's a two-fold Reason given in the Text, why they ought to be reckon'd amongst the Denizons of *England*; First, Because the Nobility of Scotland, and almost all the People in general had married with the English, as many of the English had married with the Scots; and therefore the Scots being descended of English Blood, they were of Right to be accounted as English. The second Reason is, because all the People beforementioned did ever stand stoutly as one Man, for the common Utility of the Crown and Kingdom against the Danes and Norwegians, and fought it most valiantly and unanimously

monfly against the common Enemy, and bore the Burden of most fierce Wars in the Kingdom. The doubling of the Adverb *Semper* deserves to be taken notice of, and that they wag'd most fierce Wars together, for the profit of the Kingdom of England. Moreover, the Time when they became one People, and did unanimously sustain the Impression of the Common Enemies, is dated from the Reign of *Ina* King of the English or West Saxons, who came to the Crown in 689, and continued till his time. This one Testimony of King *Edward* I oppose to those of all the English Historians, who write, that the King of *Scots* did so often rebel, and conspire against the English, with the *Danes* and *Norwegians*, was so often conquered, surrendred, and forc'd to become a Supplicant: for this *Edward* was elder than any Historian now extant in *England*, nor have they any Historian from the Death of *Bede* to this *Edward* before the Conquest; who was a prudent Man, and a very substantial Evidence of the things that were done before. Moreover, this Law was approv'd by all the States of *England*, who it's reasonable to suppose understood more of the Transactions which happened before their time, than any Monk of the next two following Ages; and therefore by the  
Testi-

Testimonies of King *Edward*, that of all the States of *England*, and the Conqueror himself: the Scots during the time of the Saxon Monarchy, were their fellow Soldiers and faithful Companions, had the same Friends and Enemies in common, and fought manfully for their Safety against the *Danes* and *Norwegians*, and did thereby deserve to enjoy the same Privileges with the English. These things I have insisted upon to refute their Calumnies, who alledge, that the King of Scots ought to be excluded from the Succession to the Crown of England, as a Foreigner.

You say that *Edward*, younger Brother to this *Edmund*, did deprive *Malcolm* King of Scots of his Life and Kingdom, and made his Son *Malcolm* King of *Cumberland* and *Northumberland*. That any of the *Malcolms* were ever slain by the English, was never so much as heard of among us; and I should suppose that this Trifler means *Mackbeth*, but that he himself takes notice that *Mackbeth* was slain afterward, being afraid belike that he should omit any thing, and therefore would be sure to write the same thing twice. This *Mackbeth* was slain in Battel by *Malcolm* Prince of *Cumberland*, and true Heir to the Crown of *Scotland*, but driven thence by the Tyranny of *Mackbeth*.



*beth.* We confess that in his Army, there was not only a great part of the Scottish Nobility but most of the Northumbrians under their Earl *Sivard*, *Malcolm's* Uncle, who join'd his Nephew with his Forces, as the Obligation of Kindred requir'd he should, and afterwards that same *Sivard* did appear in Battel against the Conqueror upon *Malcolm's* account, as we shall see anon. But otherwise there's no mention of *Edward* in our Historians, except that those Auxiliaries are suppos'd to have been sent to *Malcolm*, rather by his Connivance than Consent.

The Law concerning the Marriage of an Heir, or Ward of Marriage, (*Maritacione heredis*) comes from the Feudal Law, and was in use both amongst the Normans and us, before the English had any thing of it. But this is to be observed, that *Cumberland* and *Northumberland* were possess'd by the Scots, not under the Title of a Kingdom but of a Principality. But our Author is so much mistaken, and so very ignorant in History, that he makes three Contemporary *Malcolm's*, one slain by *Edward*, another who was Prince of *Cumberland* and substituted in his room by *Edward*, and the third *Malcolm* Son to *Duncan*, who being driven from the Throne by *Malcolm* fled  
into

into *England* for his Life. Nor is that *Malcolm* Son to *Duncan* any other than that same *Malcolm* Son to the King of *Cumberland*, who if he did Homage to the King of *England*, for his Possessions which he held in *England*, what wonder, or where is there any thing strange in it? but that he did Homage for the Kingdom of *Scotland*, or was delivered to *Edward* by the Nobility of *Scotland* upon the Account of Wardship, is foolish to assert: For having fled from *Scotland* because of *Mackbeth's* Tyranny, he lurk'd for some time in *England*, as *Henry* the 2<sup>d</sup> did afterwards with *David* King of *Scotland*: but that *Edward* gave him *Margaret* to Wife is still more absurd, for this Marriage was not consummated till after *Edward's* Death, which was some Years after, and during the Conqueror's Reign; for *Malcolm* having entertain'd *Edgar Atheling* the true Heir to the Crown of *England* with *Margaret* his Sister who had fled from thence, being taken with *Margaret's* Beauty and Disposition, he married her, whence there did arise an occasion of War betwixt him and the Conqueror. Don't you see, Mr. *Holinshed*, how you are catch'd every way in this Fiction, and encumbred on all Hands, and that you don't distinguish those Times aright? This *Malcolm* whom you call

all Son to the King of *Cumberland* and *Northumberland*, was true Heir to the Crown of *Scotland*, and Son to *Duncan*, declared Prince of *Cumberland*, while his Father was alive and ow'd Homage upon that account, and therefore it's no wonder that he performed the same.

Writers say, that *Sivard* march'd into *Scotland* to assist *Malcolm*, and it may be that it was by *Edward's* Command, which was no more than what became a lover of Equity, to join his Forces with those of *Malcolm*, who was his Vassal for *Cumberland* and *Northumberland*, and was then pursuing his Right to the Crown of *Scotland* by Force of Arms; and in that Battel *Mackbeth* who seiz'd upon the Crown by Violence, was kill'd by *Macduff* Earl of *Fife*.

There was a bloody Battel betwixt *Percy* Earl of *Northumberland*, and *Henry* the 4th; the Earl was assisted by a great number of Scots, under the Command of *Douglas*. And if *Henry* had fall'n in that Battel, as he was likely to have done, we could not have said that he was kill'd by *Douglas* or the Scots: Nor for the same reason can we say, that *Mackbeth* was slain by *Sivard*, but by *Malcolm* the General of the whole Army, at that time Prince of *Cumberland*, and in a little while after King of *Scotland*.



## CHAP. XXI.

*That there's no probable nor likely Reason to be adduced, that Homage was perform'd for Scotland during the Time of the English Saxon Monarchy.*

**H**AVING thus run through the Reigns of all the Saxon Kings, some Generals are to be added for the satisfaction of the Learned, by which it will appear to any Man, though never so short-sighted, that the English Saxons never had nor could so much as pretend to any Right of Superiority over Scotland.

In the first Place we must enquire concerning the Right to this Homage, whether the Saxons obtain'd it before their Arrival in Britain, or acquir'd it after: That they had it before, no wise Man will alledg, there having been no Communion neither in Vassalage nor Superiority betwixt those Nations. If they say that they acquir'd it afterwards, either they had it from the Britains, or purchas'd it by their own Valour. That they had it from the Britains is very improbable; for according to the Feudal Law, this Superiority cannot be transferred from

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the Lord to another, except the Lord quit  
 his Right with Consent of the Vassal. But  
 there's no mention of the *Britains* having  
 lost their Right in any Author: nor is  
 it probable that they who were oppressed  
 by so many, and such remarkable Injuries  
 by the Saxons, would give up their Right  
 to them, or gratify them in any thing. But  
 some Englishman may perhaps answer, that  
 we succeeded the *Britains* to whom this  
 Homage was due, and do now possess their  
 Kingdom, and therefore the Homage which  
 was due to them before, is now of Right due  
 to us. The barbarous Emperor of the Turks,  
 makes use of the same sort of Argument;  
 for whereas he now possesses *Constantinople*,  
 which was once the Seat of the Roman Em-  
 pire, he thinks the Christian Princes high-  
 ly unjust, in not acknowledging him as  
 their Liege Lord, receiving the Investiture  
 of their Kingdoms from him, and paying  
 him Homage, being deceived by a corrupt  
 Opinion, that the rest of the Princes of the  
 World ought to acknowledg the Roman  
 Emperor for their Sovereign. The English  
 pretend the same, and make use of the like  
 deceitful Argument, that the *Britains* being  
 driven out, their Kingdom is transferred to  
 them; and upon that Account they claim  
 the Right of Homage from the Scots: Tho

with the Englishmens leave, I make bold to say, that the great Turk's Argument is much the Stronger and more Honest: for he seiz'd the Capital of the Christian Empire; and sometimes there is, as there is said to be, a Right in Arms: But in the Seizure of the Kingdom of the *Britains*, there were many other things that did concur, which I should rather were objected by the *Britains*, than our Country-men. Therefore if they neither acquir'd this Right by the Concession of the *Britains*, nor by a lawful Succession in their Room; it follows of Course, that they must have acquir'd it since their Arrival in *Britain*: and though it be manifestly repugnant to the Nature of a Kingdom and Royal Majesty to acknowledg a Liege Lord, yet if there be any such thing amongst Kings, as an acknowledgment of a Superior, as wicked Ambition introduces new forms every Day; it has only Place in such Kingdoms as are lately constituted and erected into the Form of Kingdoms on the Condition, that they should acknowledg a Superior, such as are the Kingdoms of *Bohemia*, *Naples* and *Sicily*. The first of which was honoured with the Title of Kingdom by *Henry* the 5th, though others say, that it was by *Frederick Barbarossa* or *Ænobarbus*, meerly from a *Cesar-like* Ambition, as I

said



said before; and the two latter, viz. *Naples* and *Sicily* were adorn'd with the Titles of Royalty by Pope *Anaclet* the second, who was equally Ambitious, and unwilling to yield in any thing to the Imperial Dignity, but would rival them in Power. But those Kingdoms were erected at first on this Condition, that they should be Feudatory, and were honoured with that Title on purpose, that they should acknowledg a Superior; but this could not have Place in Antient Kingdoms which were originally Independant: for no Man in his right Wits, who was originally Free, will easily condescend to be rendred subject to the Power of another, seeing upon any Offence against his Liege Lord, he is immediately depriv'd of his Fee; but that the Scottish Monarchy is older than that of the English Saxons, is not denied by *Holinshed* himself, who writes, that so many Scottish Kings were subdued by *Sicilius* King of the *Britains*, and the Saxons did also wrest the Sovereignty of all *Britain* from the Kings of *Scotland*, so that they must of necessity have been before the Saxons, or as we have already demonstrated, elder also than the British Monarchy; for we have plainly prov'd, that the *Britains* had no Kings before the Irruptions of the Scots, but were subject to a Roman Legat.

gat. If then the Scots were independant from the very first Constitution of their Kingdom, How could it be that they should enslave themselves to the Will of another, and acknowledg Foreign Lords? They must either have done this of their own Accord or by Force; as to their having done it spontaneously, *Holinsbed* himself will bear them witness how ill they take it, and that they cannot bear it with Patience to have this Homage mentioned to them at this very Day; and we shall make it appear further anon, when we come to speak of *Henry the third*, and *Edward the first*, Kings of *England*. But when we were invited thereunto by their Bounty (*Beneficio*), we did willingly acknowledg the King of *England* as our Superior; and in truth according to the Feudal Law, there's no better way of constituting or confirming a Fee than Bounty (*Beneficium*): Neither were ever the Kings of *Scotland* Beneficiaries to those of *England* for the Kingdom of *Scotland*, nor does any Body write that they were; for seeing we do far exceed the English in Antiquity, it cannot be suppos'd that we obtain'd that as their Bounty, which we enjoyed long before their Monarchy, and are still in Possession of to this very Day. If they say that we swore Fealty for *Cumberland*, *Westmore-*  
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land and Northumberland, which are great Countries, then they say something that has a Semblance of Truth: for as long as we were permitted to enjoy that Bounty, we acknowledged the King of *England* as our Liege-Lord, and did him faithful and gallant Service in all his Expeditions against the Danes, as *Holinshed* and *Edward* himself, the last of the Saxon Kings, have left in writing; and I do very much doubt that they would ever have been able to shake off the Danish Yoke, without the Assistance of the Scottish Arms: But when they redemanded the Bounty, which they had granted us freely before, and do now retain it by Violence, by what Law can they require Homage and Fealty upon that account, seeing they have recall'd the *Benefit* for which it was perform'd?

The second Part remains still, which is, that being conquered by their Arms, we were forc'd to acknowledg the King of *England* as our Superiour. It is true indeed, that Nations overcome by War, do sometimes acknowledg the Conqueror for their Liege-Lord: but this I do constantly maintain, that no Nation subdued by War, having yet their own King left, do so much fall under the Power of the Conqueror, as to acknowledg him and their own King for

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Liege-Lord at the same time. If otherwise, I wish they would produce an Example that ever a King overcome by War, and left in his own Country with all his Rights and Privileges, swore Fealty and Homage to the Conqueror: For the Kings of Countries conquered by War, us'd to be suppress'd together with the Royal Title, and not left to renew the War upon every occasion. Did the English when they subdued *Ireland*, leave the Irish their Kings, of whom they had at that time five or six? No surely, but that all occasion of Rebellion might be cut off, they abolish'd the Name of Kings, and establish'd Fiduciary Earls. But of a King overcome in War, and left in his own Country as a Fiduciary, no Man hath ever hitherto read or heard.

It remains now that we enquire into the Matter of Fact, whether or not it be likely that the King of *Scots*, being overcome by the Saxon Arms, was compell'd to swear Fealty to the King of *England*, and acknowledg him as his Liege-Lord. Certainly from their Arrival with *Hengist*, to the time of the Conquest, they had War with the Britains for 400 Years; and the Britains being wast'd with many Overthrows, did very much consume the Strength of the Saxons. Nor did the Britains lay aside the Royal Dignity until

until *William Rufus*, the Conqueror's Son, overcame them in 1093, and kill'd their King *Rhys*: Therefore it is probable, that they neither thought of subduing *Scotland*, nor were in a Capacity to do it during that Time.

While the British Monarchy was still in being, the Saxons rag'd against one another with mutual Slaughters, until the rest of the Saxon Kings being conquered, the King of the West Saxons obtain'd the Sovereignty of all *England* except *Wales*, which hapned about the Year 833; and therefore it is not likely that they were intent upon the swallowing up of other Kingdoms during that time. And before that, the Danes did exercise Piracy upon the Maritime Counties; and being invited by the Fruitfulness of the Island, and other things, and following the same Methods that the Saxons had done before them, they conceived hopes of seizing the Kingdom: and therefore the English, though they did willingly unite in one Kingdom, they did also desire the Conjunction of the Scots, that they might be the more able to resist the Common Enemy. The Scots did readily consent, and especially for these two Reasons; First, because the English had a little before that embrac'd the Christian Religion, to which the Danes were capital Enemies,

Enemies, as I said before : And, Secondly,  
 because they had experienc'd the Valour of  
 the Danes when they slew *Constantine* the  
 King of Scots and his Army ; and perceiving  
 that they should be liable to the same dan-  
 ger if the Danes should rout the English,  
 and seize the Kingdom, they did willingly  
 associate their Arms with the English : And  
*Alured* himself being assisted by the Scots  
 Auxiliaries, did break the Strength of the  
 Danes, (who had already seized a great part  
 of *England*) and entertain'd a sacred and in-  
 violable Friendship with the Scots, having  
 left them those Northern Provinces of *Cum-  
 berland, Westmoreland, and Northumberland,*  
 as a Reward of their Social Arms against the  
 Danes : And his Successor *Edward* did the  
 same. As for those Victories which they boast  
 of having obtain'd ; that was indeed a great  
 one which *Osbright* and *Elia*, being conjoin'd  
 with the Britains, did gain over the Scots,  
 and I know not if ever they had a greater  
 afterward ; and though by that Victory the  
 Scots lost all the Countries be-South the  
*Forth*, yet the English themselves did never  
 pretend that they demanded Homage or  
 Fealty from them. Nay, that *Holinshed's*  
 Temper may be known to all Men, he has  
 not this Story of *Osbright* and *Elia* from any  
 English Writer ; but hath excerpted it from  
 ours,



ours, that he might scrape together on every side whatever could be injurious to our Fame; so as having thrown off all Modesty, he may affirm that the Scots made a Surrender of themselves, and performed Homage, though the same was never mentioned neither by any of ours, nor the English Historians.

And therefore *Holinshed* himself is Author of this Forgery, amongst many others. From his time till that of *Edward* the Martyr, or *Malcolme*, there was no War betwixt the English and Scots; and it's certain, that during that Time they obtain'd no Victory over us: for the English Historians would never have pass'd it over, seeing they take notice of things far less considerable, and stuff their Writings with meer Trifles and Old-wives Fables: And the English Saxons raging against one another with mutual Butcheries all that time, and being quickly after attack'd by the Danes, it's very improbable that they did ever so much as think of invading *Scotland*, or demanding Homage from the Scots; and after that the Heptarchy was united into one Kingdom, and that the Saxons were overwhelmed with the Danish War, they associated with the Scots, and delivered them the Northern Counties of *Cumberland*, *Westmoreland* and *Northumberland*,

land, as aforefaid. But *Asbelftan* having obtain'd some Refpite from the Danifh War, and not being able to bear fo great a Diminution of his Kingdom, repenting him of his Gift, he fought back thofe Countries, forc'd the offended Scots to affociate with the Danes for maintaining their own Right, and revenge themfelves for *Edward's* Violation of his Faith. However, the Scots were defeated, *Malcolm* being their General, though the Englifh do falfly assert that it was *Conftantine*. But after that Peace was renewed, and *Cumberland* and *Westmoreland* delivered as a *Benefit* to the Prince of Scots; it is plain from the Hiftories, that the Englifh did never obtain any great Victory over the Scots till *Edward* the Firft's time.

As to what concerns the Englifh Hiftorians of thofe Times, except it be *Bede* and *Gildas*, whole Testimonies I have faithfully cited already, we have none who take any notice of this Homage; all the reft being later by many Ages, as I noted before; and confefs themfelves, that they have no Hiftorian whom they can follow. But this is the common Fault of all Hiftorians to be lavish in the Praises of their own Country, and allow themfelves a Liberty of feigning any thing to cry down their Enemies: For who is there that reads the Polish Hiftories, and  
does

does not meet with Stories of their having conquered and subdued Denmark, Germany and Bohemia, a great many times; and extolling the Valour of the Poles to the Skies, nay above them? And in like manner *Saxo Grammaticus* and *Krantzius* write in their Histories of Denmark, Germany and Sweden. Though they have that indeed whereof they may deservedly glory; but however, they mix true things with false, so that the Truth itself comes often to be called in question. And so the English relate their Victories over the Scots, as Cowards, Rebels, Covenant-breakers, and not so much as worthy to be conquered. But of the Victories gain'd over them by the Scots, which must of necessity have been some, otherwise they had never been able to have held their Kingdom, how inconsiderable soever it is, there's a profound Silence. Upon which account, I am the more favourable to *Jeffrey of Monmouth*; for I perceive his Fault to be common to all Historians; and therefore honest Men do seldom give Credit to the Historians of one Nation who write against another, especially with which they are at Enmity. But *Holinshed*, with his *Leland* and *Adams*, fill'd us with Expectations of valid Proofs from the authentick and unsuspected



spected Annals of both Kingdoms; at least *Holinshed* did promise it in their Name, but

*Quid dignum tanto tulit hic promissor hian?*

Hath his Performace been answerable to his Promise? Did he ever bring one Scots-man as a Witness except *Marianus*, and not him neither without a Falsification? for he ascribes that to *Marianus*, which is no where to be found in him: But what Credit the Testimonies of Monks deserve, who were not present at the Transactions themselves, but us'd to entertain vulgar Fame and common Reports for Truth, especially seeing the English are generally more addicted to their own Praise than is just, I leave to the Judgment of the Reader; *Holinshed* himself being also suspicious of the Veracity of the Monks in more places than one.

The Question of Right, which I referred to the End of this Chapter, doth still remain: Whether or not this Constantine or Malcolm could render the Kingdom subject, or oblige it to pay Homage to another, seeing they had receiv'd it free from their Ancestors? For it is certain that no Man can alienate the Rights of Majesty deriv'd from his Fore-fathers, or make himself feudatory to another Prince; and

and that neither *Constantine* nor *Malcolm*, nor any of those who succeeded them, could invest another with the Rights of the Kingdom, which came free to their hands, or subject the same to hold in Fee of another. For Kings being appointed by God to represent his Image upon the Earth, they can have no other Superior besides himself; and that the Kingdom of *Scotland* was free and independent before the Reigns of *Constantine* and *Malcolm*, our Adversaries themselves cannot deny. And in this Question all true hearted English-men will agree with me, they being no less concern'd in this Case than we; for their Kings have often yielded themselves up to the power of others. *Offa*, King of the *Mercians*, or *South-Saxons*, having made a Journey to *Rome*, did render his People tributary to *St. Peter's Chair*; which was renewed by *Ethelwolph*, who did reign almost over all *England*; And so under King *Ethelfred*, the English were made tributary to the *Danes*, and forc'd to redeem their Liberty with Money. But *John* King of *England* did so far subject his Kingdom to the Pope, that his Successors were not to receive the Investiture thereof from any other but the Pope; and therefore seeing this sort of Subjection doth also militate against their own Liberty, they will not take it ill if I expatiate a little in

in this field. What Philip King of France thought as to this Question, I shall subjoin in Holinshead's own words: John could not subject the Kingdom to the Pope without the Consent of the Peers; and therefore he forfeited the Crown by his own Fault, because the Kingdom of England never did nor never shall appertain to the Patrimony of St. Peter: For tho' King John was a lawful King, neither he nor any other King could alienate the Kingdom without consent of the Peers, who are oblig'd to the defence of him and his Royal Prerogative as much as in them lies. And if the Pope (continues he) intends to defend this Error, it will be a dangerous Example to all the Kingdoms of the World. Those things being said, the Peers of France who were present, did unanimously protest that they would persist in the defence of this until death; that no Prince nor King could at his own Pleasure alienate the Kingdom, or render it tributary to any other King or Prince, so as the Peers may be compell'd to do Homage to any foreign Prince. For he loses the Rights of Majesty, and cannot be any more call'd a King, who is subject to the Power and Command of another, seeing he was formerly inferiour to God only; and he does manifestly abdicate, and deserves no more the Title of a King, who ought to preserve the People committed to his Charge, and all their Privileges inviola-



inviolable, if he subject them to the Power of another: And of Right a King can neither alienate nor emancipate his Kingdom to another; when besides the Lands, there are also free People in it of whom there can be no Commerce, and whom he cannot enslave without their own Consent. Such as desire to be further inform'd as to this Question, may read *Hottoman's Treatise of famous Questions*, where this is professedly treated of, *Quest. 1.* and we shall add more afterwards. Nay *Hottoman* himself following *Polydore*, denies that this Liege Homage perform'd by K. *John* to the Pope, did any way prejudg his Successors the Kings of *England*; but only himself, who swore it, and committed the Offence; although there was a publick Indenture signed obliging to this Homage, and confirm'd not only by the Hand and Seal of K. *John*, but those of 16 Earls. I wonder that those who are so sharp-sighted as to discern an Homage in every publick Transaction of ours, by which they will have Posterity to be bound and oblig'd, should deny the Kingdom of *England* to be a Fee, though the Name of *Liege-Homage* be expressly mentioned, a Tribute of 1000 Marks positively agreed on, and an express *Provisō* made that none should succeed to the Crown of *England* without Investiture obtain'd from the Pope; and yet  
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they will not have it that this Act of K. John's did any ways affect his Heirs and Successors: And therefore I think that the Negative of this Proposition is very clear, viz. that during the Time of the Saxon Monarchy, there was no Homage perform'd by *Constantine* nor no other King, for *Scoland*. For *Cumberland*, *Northumberland* and *Westmoreland*, it might be that he who held them in Fee, did Homage to his Lord; and that the King of *Scots* might profess himself to be Liege-man to the King of *England* upon that account, as many of the Kings of *England* since the Conquest were not ashamed to profess themselves to the French King; which we shall hear anon.

So much as to the Time that preceded the Conquest; during which it is most certain that neither Britains nor Saxons had, or could pretend to have, any Right over this Kingdom, how inconsiderable soever: And therefore this second Army of Instances have abandon'd their Camp, deserted their General, and run over to the Enemy.

## CHAP. XXII.

*Of William the Conqueror, and whether he pretended any other Right to the Kingdom of England, than that of Conquest?*

**T**hat we may now leave those more remote Transactions, which are rendered doubtful because of their Antiquity, and come to those which bear the Character of being truer and more certain, we shall descend to the Kings of the Norman Race. As to this third Classis of the British Kings, and whether they could pretend to any Superiority over *Scotland*, the Field of Controversy is more difficult and narrow; and that which hath made it so, was the inhumane Cruelty of *Edward I.* against us: Who being inflam'd with an eager Desire of extirpating the whole Nation, and having ravaged all the open Countries of the Kingdom with his Army, he carried away the Royal Crown, the Honours of the Kingdom, all the publick Monuments, Charters, and Privileges, that he might abolish as much as in him lay all Memory of Antiquity; in so much that he plundered the Registers, and destroyed the Monastries, and other publick

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Places where they were kept; and took them with him into *England*, upon the vain hopes which he had conceiv'd first of possessing the Superiority which he had falsely feign'd to himself, and then of seizing the Property of the whole Kingdom by an Exclusion of all the Heirs of the Crown: and therefore our Task here is so much the more difficult; whereas we have nothing to say on the Question, but what we must be oblig'd to bring from English Monuments or Records, and the Evidence of the Witnesses produced against us: And yet from those we shall make it plainly appear, if I be not mightily mistaken, that the Kingdom of *Scotland* was always free, and did never acknowledge any Superiour Lord, (which is more than the English can say for themselves.) But if our Kings receiv'd any thing from theirs under the Notion of a *Benefit*, or *Bounty*, (*Beneficium*) it's not to be reckon'd strange that they should have perform'd Homage for that, seeing the Benefit cannot be retain'd without the Homage, the one going always along with the other. But if the Lord either by Injustice, or due Course of Law, recal his Bounty, it were very uncivil in him when he takes that away, still to require Service or Homage.

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But before we come to those things which are objected against us by *Holinshed* in particular, we must enquire in general, that if there was any Homage due from *Scotland* to the King of *England*, to whom it ought to accrue after the Conquest, whether to the true Heirs of their former Lord, or to those who succeeded him by Force and Arms; for the English themselves will not say, that Force and Arms do either give or take away another Man's Right, in as much as they do still entitle themselves Kings of *France*, though they were thrown out thence by Force of Arms. The same is to be said as to the King of *France*, who does to this day call himself King of *Navarre*, as believing the same to pertain to him by Hereditary Right. Then seeing Right cannot be purchas'd by Force and Arms, nor Prescription be pleaded against him who cannot act, but that by Laws both Humane and Divine, every one's Right ought to remain entire to him; we must find out who it is that succeeded to that Right by Law.

There are some who feign, that *William the Conqueror* was nam'd by *Edward the Confessor* for his Successor, and that he left the Kingdom to him by his Will; and *Holinshed* who is afraid of nothing, how unreasonable soever, will have it, that he succeed-

ed as next of Kin : but how or by what means that can be, and how agreeable it is to the Laws of God and Man, I shall show in a few words. And first, that it may be known who this *Edward* was, and by what Right he succeeded to the Kingdom, the Line of Succession must be repeated from *Egilfred* or *Ethelfred* the undoubted King of England. *Ethelfred* then had two Sons, *Edmund* the Eldest call'd *Ironside*, (because of his great Strength) by *Ethelgin* his Wife, and *Edward the Confessor* by *Emma* Sister to *Richard* the second, Duke of *Normandy*. *Edmund* succeeded his Father, and had a Son, who because of his Banishment was named *Edward the Exile*; for *Canute* succeeding *Edmund* (justly or unjustly I shall not say) lest he should incur any Damage from the Children of an excellent Father, whose Memory was precious to the English, he proscrib'd *Edward* who was therefore surnamed *the Exile*. This *Edward* retiring to the Court of *Henry* the Emperor, found so much Favour there, that he obtain'd for Wife *Agatha* Sister to the King of *Hungary*, and Niece to the said Emperor, by whom he had *Edgar* commonly called *Etheling*, and *Margaret* afterwards Queen of *Scots*. *Canute* and his Son *Hardicanute* Kings of *England*, being dead, *Edward*, who was Brother



ther to *Edmund*, only by the Father's Side, whether it was by the Craft of his Mother *Emma*, or by Election, as the English will have it, usurp'd the Crown, by the Assistance of the *Normans*, against the Laws of *England*, seeing he was not of the full Blood; but living a long time without Children, and having no hopes of Issue, he sent into *Germany* to recal *Edward*, Son to his Brother *Edmund*, from his Exile, that he might appoint him to be Heir of the Crown, in a Convention of the Nobility. *Edward* obeyed, and return'd into *England*, but died that same Year. King *Edward* griev'd at it, as it was but just, and recommended his Son *Edgar* to the Nobles, as Heir of the Crown; and for that Cause would have him called *Etheling*, which is as much as Infant of the Kingdom, according to the Custom of *Spain*. But let the English say and write what they please concerning this *Edward*, and rank him amongst the Gods if they will admit him, to me he seems not to have been a good Man, who took the Kingdom that was his Nephew's to himself, neither could he be call'd the true King of *England*; and therefore it's very unlike that he would appoint the Norman Heir to the Crown by his Will: for besides that it is most certain, and according to the

Opinion of all Lawyers, That Kingdoms cannot be disposed of by Will; it is as certain, that the Father cannot prefer the Second to the First-Born, or invert the Law of Succession in his Kingdom. Neither is this agreeable to Equity, of which this King is given out by his Countrymen to have been a strict Observer: For it is not probable that either living or dying he would be of the Mind to transfer the Crown into another Family when he had a just Heir, and the Dreams which he is said by *Holinshed* himself to have had before his Death, declare, that he had never conceived any such Design. His last words are to be found in *Cambden*, by which it plainly appears, that he appointed no Man Heir to the Crown of England by his Will: So that the true Successor to that Kingdom, after the Death of this *Edward the Confessor*, was *Edgar Etheling*; and this Homage was due to him and his Heirs, and he dying without Children, the Right of Succession devolv'd on the Heirs of *Margaret*, that is, the Kings of Scotland: And the Superiority, if there was any such, is consolidate and confounded with the Property, as Lawyers speak. For *Malmsbury* and *Matthew of Paris*, do ingenuously confess, That the whole Nobility of the Kingdom of England went to the Scots, and the Succession

cession of the Crown devolv'd upon the Sons of *Margaret* after the Conquest; but the English Nobles, because this *Edgar* was not fit to govern, suffered *Edward* to enjoy the Crown of his Forefathers: But while they reject the true Heir, they are forc'd to acknowledg a Foreigner for their Sovereign, by whom being dispoil'd of their Riches and Estates, they were forc'd to undergo a miserable Servitude. But what *Holinshed* asserts, that the Right of Succession to the Crown of *England*, fell to the *Norman* by Kindred, is so silly, that it needs no Refutation: He says, that the Conqueror was of the third, and *Edward* of the second Degree of Consanguinity by *Emma* Mother to *Edward*, and great Aunt to the Conqueror. But pray, Mr. *Holinshed*, is it customary with you in Hereditary Kingdoms, for the next of the Mother's Line to succeed? Certainly in the Feudal Law, the Mother's Line is not regarded, except in Fees which descend from the Mother and the Mother's Kindred, which obtains to this Day in all the Kingdoms of *Europe*, that are govern'd by Customs and Laws: But let us grant that an Heritage may descend to the next of the Mother's Line, *William* was a Bastard, and acknowledges himself to be such in that Charter which he grants



grants to *Alan Count of Britany*, which is to be seen in *Cambden's Richmond*. But in Law a Bastard can neither succeed nor have any Successor.

Let this be the third Warning to our Neighbours, not to violate the Right of Succession; First in *Modred*, the second in *Bruden* King of the *Picts*, who being assisted by your Forces, turn'd *Alpin* out of the Succession to the Pictish Crown; but the Destruction of the British Nation followed the one, and that of the Picts followed the other: the first being drove out of their Country, retir'd into *Wales*, and the latter being totally rooted out, have left none to keep up their Name; both of them paying dearly for rejecting the true Heir and Successor, but all that they suffered under the Romans, by the Invasions of the Scots and Picts, or at last by the Saxons, was but Childrens play to what they suffer'd under the Conqueror; for neither God nor Man (to make use of the Phrase) were secure from his Injuries, for he drove the English out of all Benefices, and gave them to his *Normans*; he melted down the Plate of the Churches, he sold the Noblemens Estates to those that bid most, he forc'd all the English to swear Fealty and Homage, and laid grievous Imposts upon private Mens Estates, and

and claim'd every thing as his own by the Right of Conquest; he did moreover, abolish the Laws and Institutions of the Country, chang'd the antient Arms and Bearing, and put the Norman Arms in their Stead; and insulted over the English as unworthy to enjoy any Estates: so that it was accounted the height of Reproach to be call'd an Englishman, says *Cradock* and *Matthew Paris*; nay, he would have had the very Name of *England* obliterated, says *Polidore*, and the Country to be called Great *Normandy*. And therefore I advise you again and again, not to be guilty any more of rejecting the true Heir of the Crown. And,

*Si Genus humanum & Mortalia temnitis  
Arma,  
Asperate Deos memores fandi atque nefandi.*

CHAP.

## CHAP. XXIII.

*Of the Conqueror and his Sons Rufus and Henry Kings of England, and whether Homage was perform'd to them for Scotland.*

**N**OW I return to the Conqueror, and whether he acquir'd any new Right to the Kingdom of Scotland; for that he succeeded to the old Right, or that the same was devolv'd upon him, can neither be maintain'd by any probable Argument, nor is it agreeable to Law or Equity, that he should derive any Right from those whom he subverted, and did so grievously vex. One thing however I think fit to advise the Reader, that there's no publick Writing, Charter or Monument produc'd against us for the Conqueror's Right, but only Domestick Testimony, and that also of an Enemy; and how much Credit that deserves hath been explain'd already, and is referred to the Judgment of the Impartial Reader: nor if all the Monkish Writers be duly and orderly examin'd, will it be found that there was any Homage perform'd for Scotland.



The Conqueror, says *Holinshed*, having subdued *England*, thought he had done nothing unless he also subdued *Scotland*, and did therefore invade the same, and forc'd *Malcolm* to surrender himself. This was not the true Cause of that War; but when the English who could not bear the subversion of their Country, and the *Norman's* Government patiently, fled to the King of *Scots*, they were all most kindly and courteously receiv'd by *Malcolm*, who was mindful of the Assistance they had given him to recover his Kingdom, and enrich'd them with Lands and Fees; so that it is not without cause the English write, that the whole Nobility of *England* went over to the *Scots* \*. The Conqueror being enrag'd at this, and imagining that it might come to pass that the English drawing to an Head there, would sometime or other recover their Country, in order to prevent that, he made War upon *Scotland*, and having receiv'd several Defeats in the Persons of his Generals, he only came himself to the Borders; but *Malcolm* meeting him with a well appointed Army, and both sides waiting for the Signal of Battel, a Peace was at last concluded in the Confines of both Kingdoms, by the Mediation of the Bishops; and seeing the Terms of the same were hard-

West-  
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er upon the Conqueror than the King of Scots, it may easily be inferred from thence, that the Scots were then superior in Arms: for the Conqueror demanding three things; First, That all the English Exiles should be given up; Secondly, That the King of Scots should receive no English Exiles afterwards; Thirdly, That the King of Scots should acknowledg him for King of England, and do him Homage as usual for Cumberland, Northumberland and Westmoreland; Malcolm agreed only to the last, as knowing that it did not belong to him to determine who had the Right to the Crown of England; but the two first he did constantly refuse, saying, that he would never be wanting to any Englishman who sought Sanctuary under him, and on the other Hand, did urge, that the English Exiles whom the Conqueror had dispoil'd, should be restor'd to their Estates, and have a full Pardon for all that was past. This, though much against the Conqueror's Interest, he granted however, against his Will, perceiving that he must otherwise have come to a Battel; for the King of Scots had at that time a most formidable Army, not only compos'd of his own Subjects, but English Exiles: The gallant Siward Earl of Northumberland had join'd his Nephew Mal-

colme

*Malcolm* out of Hatred to the Conqueror; so that he was forced *volens volens*, to restore the English Exiles: most of them however chose rather to stay with *Malcolm*, and gave Name and Rise to many great Families which are still in great Honour with us; and therefore I wonder so much the more, what induces the English to write, that the King of Scots yielded himself to the King of England. Nay *Matthew Paris* mentions a double Surrender, though others do only take notice of one, and will have it that *Malcolm* became the Conqueror's Liege Man (to use their own words) which imports nothing more but that he did him Homage, and the same is to be understood, when *Polidore* says, that *Malcolm* swore Fealty to the Conqueror, (*in verba Conquestoris jurasse*) and therefore according to the Judgment of all the English Writers, *Malcolm* did only perform that Homage which he ow'd; but that it was perform'd for Scotland, no Body writes but this *Holinshed*, and the counterfeit *Nicholas Adams*. Let them then turn over all the Writings of the Monks till they sweat and pant, and let them unlock all the Cabinets, they shall never find that *Malcolm* perform'd Homage for Scotland, which is the Point in Hand; for we do not deny that Homage was perform'd as long as we



we held those Northern Provinces, but after they were taken away, there was neither any due nor performed. In matters of Money, Judgment is never given except upon clear Evidence, and how much less ought it to be given in a Controversy which concerns the Liberty not of one Man, but of a whole Kingdom, and that the most Antient in Europe. And in Law, as often as the same Discourse will admit of two Interpretations, that only is to be receiv'd which is most agreeable to the thing transacted, and makes for Liberty: Therefore what *Hollinshed* or the Pettifogger *Adams* say, that Homage was perform'd to the Conqueror for the Kingdom of *Scotland*, is altogether false. But this is their ordinary way, that whenever they find it mentioned that Homage was perform'd, to alledge, that it was for *Scotland*; but if our Historians may be believed, there was not so much as any Homage done at that time: for the Conqueror having attempted War upon *Scotland* unsuccessfully, and finding when present in Person, that the Issue of a War against the Scots might be dangerous, he renewed the Peace, and restoring all the English whom he had banish'd, returned Home: nor can the English themselves assert, that he reap'd any other Advantage from that War, though at the same time it

to be observ'd, that we undertook the same upon the account of the English, as we had formerly sustain'd the Attacks of the Danes for their Safety and Government.

*Rufus*, the Conqueror's Son, having receiv'd, as well as his Father, that *Scotland* might be subdued without much to do, did also prepare for an Expedition against it; but with no better Success than his Father: And yet you, *Mr. Holinshed*, will have it that he receiv'd Homage from the King of *Scots* for *Scotland*; but in what Place, Time or Year, you do not say, for fear of being catch'd in a manifest Lie: for there's no mention of this Homage in *William* of *Newbriggs*, though he came nearest those Times of all the English Writers; nay, nor by *Polydore* himself in the Life of *Rufus*. I will subjoin his own Words: 'Writers vary as to that Expedition which *Rufus* undertook against the Scots: Some say that *Malcolm*, when he heard that *Rufus* was coming to make War upon him, sought Peace of his own accord, and obtain'd it: Others, that *Rufus* prepar'd great Forces by Sea and Land to subdue the Scots, (for so they always speak in their Expeditions;) but his Fleet being cast away in a Storm, and his Land-Forces having suffered much, he retir'd; and that *Robert* of *Normandy* made Peace

' Peace with *Malcolm* King of *Scots*, who  
 ' waited for the Coming of the English with  
 ' a very strong Army near his own Borders  
 ' and by Agreement, restored some Places  
 ' to the King of *Scots*, which he had enjoyed  
 ' in *England* during the Reign of *William*  
 ' the First. So that you may perceive here,  
 Mr. *Holinshed*, if you can perceive any thing,  
 that most of the Writers do wholly omit all  
 mention of this Homage, and that the *Scots*  
 possess'd the North-parts of *England* which  
 were next unto *Scotland*, both during the  
 Reigns of *Rufus* and his Father *William*,  
 though I will not deny that they held them  
 upon Fealty, as you did *Normandy* of the  
 French King at the same time. But what if  
 it can be proven, even from your own Wri-  
 ters, that *Rufus* receiv'd more Damage than  
 Advantage by that Expedition, and was the  
 first that desired Peace; which he could not  
 obtain, but upon yielding up most of those  
 Places which his Father had seiz'd? Will not  
 this subvert all that you forge concerning  
*Malcolm*, viz. that he yielded himself? Let's  
 see then what's the common Opinion of the  
 English Historians upon this Head. *Howden* agreeing in every thing with *Pol-  
 ydore*, says, that when the two Kings stood in  
 Batrel array, *Robert* Duke of *Normandy*, who  
 accompanied his Brother *Rufus* to the *Scot-  
 tish*



fifth Wars, perceiving *Edgar Etheling* in *Mal-*  
*colme's* Army, and having been familiar with  
 him in times past, call'd upon him, and was  
 the first that mentioned a Peace; and by  
 their means the two Kings were reconcil'd  
 on these Conditions, That *Malcolm* should  
 do the same Offices to *Rufus* which he had  
 perform'd to his Father, and that *Rufus*  
 should restore to *Malcolm* the twelve Towns  
 which *William* had withheld from him, and  
 pay him moreover ten Marks of Gold *per*  
*annum*. *Florence* has the same thing, and  
 adds, that at their second Meeting, which  
 was without Arms, *Rufus* demanded of *Mal-*  
*colm* to come to a Trial at Law in his Courts;  
 but *Malcolm* flatly refused, although he was  
 his Liege-man, which does not at all agree  
 with the Homage then alledg'd to be per-  
 form'd. *Malmesbury* has not any thing of the  
 Homage; but only makes mention of a  
 Peace, procured by *Robert* Duke of *Nor-*  
*mandy*: So that if *Robert*, who was Brother  
 to *Rufus*, was the first who mentioned a  
 Peace, that *Rufus* was oblig'd to yield up 12  
 Towns, and to pay 10 Marks of Gold year-  
 ly, as has been already mentioned. What is  
 asserted by the Monks *Malmesbury* and *Ho-*  
*veden*, that *Malcolm* being terrified with the  
 Appearance of War, did profess himself *Ru-*  
*fus's* Liege-man, must needs be false: For he

who first makes mention of Peace, is more desirous of Peace than War; and he that quits with his Possessions to obtain Peace, is certainly inferiour in Arms. But our Neighbours act according to their usual Custom, in upbraiding us constantly with Cowardliness, or something that is dishonourable. That *Malcolm* became *Rufus's* Liege-man, we don't deny; but upon what account he became so, remains to be proved: but that it was for *Scotland*, Mr. *Holinsbed*, you have no Author to avouch.

There remain still two Calumnies with which our *Malcolm* is undeservedly charged by most of the English Historians; one of them his inhumane Cruelty towards *Northumberland* when he ravag'd the same, and the other that he and his eldest Son were slain in plain Battel: And tho' those things don't much concern the Question of Homage, which is the Subject of the present Dispute, yet it is not to be pass'd over, that all Men may see how unfaithfully our Neighbours deal with us as to the Point of History. For the first Calumny; there was not a more merciful, pious nor magnanimous Prince than *Malcolm*; & there's an Instance of his Clemency and Magnanimity recorded by *Polydore* and *Matthew Paris*: but while the common Rabble of English Historians search on all  
sides

fides how they may reproach us, they are not ashamed to charge us with the horrible and barbarous Cruelties of the Danes; nay, what their more antient Writers say of the Cruelty of the Danes, they fasten Word for Word upon our *Malcolm*. It may be indeed, as *Hoveden* relates it, that when *Gospatrik* (to whom the Conqueror gave the Earldom of *Northumberland* that he might infest *Malcolm* with War) harass'd *Cumberland*, which did then belong to *Malcolm*, with Fire and Sword, and besides other Cruelties burnt down *St. Peter's Church* in *Cumberland*; it may be, I say, that *Malcolm*, being enraged at their violating the most sacred Places, might command his Subjects to give no Quarter, and leave the Souldiers to their Liberty; otherwise it is very improbable, that this most religious and pious Prince would have done such things as they charge him with. Nor are they content to throw those Aspersions upon *Malcolm*, but 'also upon his Son *David*, the most religious Prince that ever was heard of, in the very same words. Neither is there any more Truth in the second Calumny, that *Malcolm* and his Son were defeated and kill'd in Battel: It's a known Story. For *William* the Conqueror being very lavish of his Faith, as the English themselves do testify, detain'd some Garisons



in *Northumberland* : *Malcolm* having expected Restitution a long time, but in vain, besieg'd *Alnwick*; and the Garison being destitute of all Relief, offered to surrender, *Robert Moubray*, Governor of the same, coming out on Horseback with two Iron Keys on the Point of his Spear, presented 'em to the King, as if he design'd to surrender : the King came out of his Tent to receive them, and *Moubray* putting Spurs to his Horse, run the Spear into the King's Eye ; and leaving him half dead, was carried off by his swift Horse, on the Confidence of whose Heels he undertook this memorable Enterprize. *Edward*, eldest Son to *Malcolm*, pursuing him, fell into an Ambush which was laid to favour *Moubray's* escape, and was also slain. Here's no Victory, nor no Armies which could fight : The Scots Army carried on the Siege, and the little Garison which resisted them offered to surrender ; or let them tell us if they can, who in that Army were slain besides the two Princes, or how many Colours were taken. It is also plain, that from this Fact of *Robert Moubray's*, does the most noble Family of the *Piercies* derive their Name and Original.

You will also have it, that *Donald* was elected King of Scots by *Rufus*, who did afterwards dethrone him, and substitute *Duncan* in his room, and that both of them did Ho-

mage

mage to *Rufus*. But you cannot produce one ancient Writer *Mr. Holinshead*, who says that ever the English were allowed the Choice of one of our Kings. We own, with *Polydore*, that *Duncan* dethron'd his Competitor by the Assistance of *Rufus*, under whom he did carry Arms for some time: For it was then customary with the English, when we were broken into Factions, to assist one of the Parties, that they might either destroy both, or when it fell out that there was War betwixt the two Kingdoms, they might always have a Faction amongst us: And this was followed by our Country-men; who when Parties were at variance, it was usual for the weaker Side to have recourse to the English for Assistance. *Malsbury, Howeden*, and *Huntington*, do all of them take notice that *Duncan* was made King of *Scotland* by the Assistance of *Rufus*; and *Westminster* and *Polydore* do also make mention of the Homage: but there was no need of it; for neither of them are numbred amongst the Kings of *Scotland*; and the Stories of *Donald* and *Duncan* are very well known to us, viz. that they were no lawful Heirs to the Crown, but Tyrants and Invaders; and therefore they were both of them justly depriv'd of the Kingdom, and kill'd in the space of two Years. But *Holinshead* won't take notice of

this, that *Duncan* was not admitted to the Throne until he took an Oath that he would entertain no English nor Norman Souldiers, as is witnessed by *Polydore* in his 2d Book; than which there can be nothing said more contradictory to the Laws of Homage, or Feudal Fealty, (if the Souldiers of his Lord, and fellow Vassal, be not admitted into the Fiduciary Kingdom;) And that same Author acquaints us, that all the English and Normans which *Duncan* brought with him, were driven out of *Scotland* by Force. This was certainly a great piece of Stubborness in a Vassal, and a piece of Ingratitude, for which he deserv'd to have his Fee taken away. But the Matter speaks of it self, viz. that the King of *England* could not then pretend to any Superiority over *Scotland*, when his Subjects were not so much as allowed to dwell there.

You write, that the most renowned Prince *Henry I.* receiv'd Homage from *Edgar* and his Brother *Alexander*; although there be no mention of this Homage neither in *Polydore*, *Newbriggs*, *Stow*, *Malmsbury*, *Westminster*, nor any other Author that I know of. However, we will grant this, though not for the Kingdom of *Scotland*, but only for the Fiduciary Countries of *Cumberland*, *Westmoreland* and *Northumberland*; For that most excellent Prince



Prince knowing the Norman Government to be weak, and establish'd by no Law in *England*, and that the Succession to both Kingdoms was due to *Margaret* Queen of *Scots*, and her Children, he obtain'd *Maud*, the Daughter of *Malcolm* and *Margaret*, for Wife, that he might from her at least derive some Right to himself and Successors. This *Maud* was afterwards called the Good ; nor is there any Queen of *England* whose Memory is recommended to Posterity by so many Praises and Encomiums as hers. This I take notice of, that our Neighbours may perceive that most of our Country-folks are naturally of an ingenuous Disposition ; and that Vertue and Education are in much esteem with us, though they account us the most barbarous and vile People in the World. *Henry* then lived in a most friendly Manner with the *Scots* ; nor did he ever demand Homage from that Prince, whose Sister he married ; or if he did, it was only on account of the Lands which the King of *Scots* held in *England*. Nay, when he recommended his Daughter *Maud* to the Nobility, he made no Scruple to assert her to be the true Heiress of the Crown, as being descended of *Margaret* Queen of *Scots*, and the true Saxon Blood.

But

But *Maud*, Daughter to *Henry*, received Homage from her Uncle *David*. We will grant you this, though it be not true; but *Maud* is not reckoned amongst the Kings of *England*. You add, that she gave to her Uncle *K. David* for Wife, the Daughter of *Earl Woldeosis*, Heiress of *Huntington* and *Northumberland*; and therefore because *David* was the first who did Homage for *Huntington*, you infer as a necessary Consequence, that his Predecessors perform'd the same for the Kingdom of *Scotland*; and that now you have left no place of Subterfuge for our Country-men, who hold that the Homage was perform'd for *Huntington* before they obtain'd the Possession of it. As to the Heiress of *Huntington*, we own it; but that he had a Right to *Northumberland*, *Cumberland* and *Westmoreland*, before that time, I have proved sufficiently from your own Writers, and even from your self *Mr. Holinshed*: So that this necessary Conclusion of yours comes to nothing; for though *K. David* was the first that perform'd Homage for the County of *Huntington*, it's certain that many of his Ancestors perform'd the same for *Cumberland*, *Northumberland* and *Westmoreland*, which they held of the English; for the Law allows that a Vassal may hold several Fees of one and the same Lord.

You

You object, that *David* refused Homage to *Stephen*, because he had perform'd it to *Maud* before : But that was not for *Scotland* ; for neither could he perform, nor she receive that, but for other Countries which the King of *Scots* held of the English. Nor have you any other Evidence but your own for this Homage : *Polydore*, *Newbriggs*, *Malmsbury*, and the rest, have nothing of this Homage perform'd to *Stephen* ; nor if they had, would it any way help our Neighbours Cause, as I said before. For we will grant that Homage was perform'd to *Maud*, as the lawful Heiress of her Father *Henry I.* but *Polydore* says only, that *K. David* held *Cumberland* in the time of *K. Stephen*, but refus'd to swear Fealty to him for the same. However, he sent his Son *Henry* as was meet, who was gifted with the County of *Huntington* by *Stephen*. This *Henry*, *David's* eldest Son and Prince of *Scotland*, is also called Earl of *Northumberland* by that anonymous Writer, and most others, lest any Body should be ignorant that *Northumberland* was at that time subject to the Scots.

C H A P.



## C H A P. XXIV.

*Of Henry II. and by what Methods he would have settled that Homage upon himself and his Heirs, and of the true Form of this Homage.*

**H**ENRY II. received Homage from *Malcolm* Prince of Scotland, according to you *Mr. Holinshed*, for the Kingdom of Scotland; and that he was present with the King of England in the War against the King of France, you take as an unanswerable Argument, that our League with France was dissolv'd by *Osbricht*, and never renewed again. If you had writ simply, without any Addition, that *Malcolm* had perform'd Homage, it might have been born with; for seeing *Malcolm* enjoyed four large Provinces in England, viz. *Cumberland*, *Northumberland*, *Westmoreland* and *Huntington*, which he did then hold of the English in Fee, what wonder if he perform'd Homage for them? And therefore I beseech the candid Reader that he would forbear giving Judgment for a little while, because the Hinge of the Controversy turns wholly upon this *Henry II.* and *Edward I.* and if I be not mistaken, the Truth  
of

of the Question will easily appear from the English Annals themselves. We will therefore divide the Reign of this *Henry II.* into two Periods, *viz.* into that before his taking *William King of Scotland* Prisoner, and that after. As to the first you write, Mr. *Holinshed*, that *Malcolm King of Scots* perform'd Homage for the Kingdom of *Scotland*: But in truth, this smells of excessive Boldness and Impudence, to commit those things to writing, which may be refuted out of other Writers; and indeed we do all of us owe Thanks to your *Hoveden*, and to *Savil*, who lately took care to have him printed, because they have lighted a Torch to guide us in this Controversy; whereas we should have otherwise been in the Dark.

*Hoveden* then, Mr. *Holinshed*, does plainly give you and all other English Writers, if there be any who agree with you, the Lie <sup>\* In prim.</sup> His Words are these; "That same Year <sup>Hen. II.</sup> *Malcolm King of Scots* met the King of *England* at *Chester*, and did him Homage in the same Manner as his Grand-father perform'd it to old K. *Henry II.* with a Salvo as to all his own Dignities. This is the true Form of the Homage which was always paid to the Kings of *England* by those of *Scotland*; in which their own Dignities are manifestly excepted. Now the King of *Scots* had

had no other Dignities but *Scotland*, which was preserv'd safe and entire in this Homage. Neither was this only true as to *Malcolm*, says *Hoveden*, but also as to his Grand-father and Predecessors; and therefore if any Man enquire after the Form of Homage paid by *Constantine* to *Athelstan*, it necessarily follows that the same was perform'd with a Salvo to the Royal Dignity: And so the Homage was perform'd to the Conqueror and *Henry I.* with a Salvo to the Royal Authority, as will appear more plainly afterwards in our *William* and your *Richard*, that you may perceive I deal fairly with you: So that the first part of your Assertion evanishes; and you are certainly a very hair-brain'd Fellow, and one who lies at catch for other Mens Fame, seeing you are not asham'd to assert what you cannot prove. That *Malcolm* accompanied *Henry* into *France*, we don't deny; but that he took Arms against the King of *France*, is false: Nor could *Malcolm* avoid the Suspicion of his Subjects notwithstanding; for when he returned Home, the Scots being highly enraged because they thought that he had carried Arms against the King of *France* his Ally, they besieged him until such time as he clear'd himself of that Crime; and acquainted them, that having gone to *London* to perform Homage, he was compell'd by Force



Force to accompany the King of England into *Normandy*; and so he pacified the Nobility of *Scotland*. You see then that your Argument from the Breach of the French League, falls to the ground. But this you have pass'd over in Silence, that when our *David* conferred the Honour of Knighthood upon *Henry*, that the said *Henry* did swear solemnly and in expresse Terms, that he would never redemand *Cumberland*, *Northumberland*, *Westmoreland* nor *Huntington*, which *David* did then possess in *England*. My Author is *Newbriggs*; and from hence we may easily gather not only that this great Prince was guilty of violating his solemn Oath, but that the King of *Scots* did at that time enjoy large Dominions in *England*; for which he ow'd Homage, and not for the Kingdom of *Scotland*, as you do wilfully dream, Mr. *Holinshed*. What you write of *Henry* the Second's having adjudg'd the four Dominions above-mentioned, to the Crown of *England*, because of *Malcolm's* Rebellion, was never asserted by any but your self; or if otherwise, tell us when, by what Methods, or in what Place did this Rebellion happen: But so it is ordered by Nature, that when a Man delights in an Error, he falls into an infinite number of others for the defence of that; and to render the first Lie probable, he

he is not afraid to make two or three more; And thus one Error, like a teeming Sow, brings forth abundance of others. As to the Sentence of Adjudication I think nothing strange; for how many times were *Normandy, Aquitain*, and therest of the English Provinces, which they hold in Fee, adjudg'd to the Crown of *France* by the Senate of *Paris*? and yet they were never restored until the English were drove thence by force of Arms. It's certain that the English themselves confess that *K. Henry* did at that time violate his Oath; and when the same was told him to his Face by *William* King of *Scots*, he had nothing to say in excuse of himself, but that he could not bear with such a Diminution of his Kingdom: An excellent Way indeed of eluding his Oath. Now if any of our Kings had been guilty of such a Crime, how strangely would you have insulted over us as Perfidious, Perjur'd, and Enemies to Mankind, and whatever else your paultry Choler could have suggested; as you are not ashamed to treat us on much slighter Occasions? And in truth, if we go through all the Kings of *England* one by one, to the time of *Henry VII.* there's not one of them whom we shall not find guilty of breaking their Oaths, even you your self being Witness in your History *Mr. Holinshead*; but you cannot perceive

perceive the Burden on your own Back. That we may return to the Sentence of Adjudication, it might perhaps be easily put in Execution in *Huntington*, which is a Midland Country, and far remote from the Borders of *Scotland*; but as for *Cumberland*, *Northumberland* and *Westmoreland*, which *William of Newbri* owns to have been possessed then by the King of *Scots*, as his proper Right, the Execution was not so easy because they were bordering Countries: and although the English Inhabitants did favour the King of *England*, they were not reduced under the Dominion of *England* for an hundred Years after that; for the King of *Scots* withheld them by Force, as the English did *Normandy*, *Anjou*, *Poitou*, *Aquitaine* &c. which were frequently adjudg'd to the Crown of *France*. Any Man who has a Mind to see what your Writers have left on Record concerning this Matter, may easily perceive it at one view; for when the King of *Scots* demanded the Restitution of those Countries by his Ambassadors, but in vain, *Polidore* says, he sought to right himself by his Arms: and we shall prove from that same *Polidore*, and the rest of your Historians, that *Huntington* remain'd in the Possession of the *Scots* until the time of *Edward the first*, who took it from *John Baliol*; so  
V that



that while you rage against us, you quite forget what you ought to say. Nay, *Westminster* takes notice of the Exchange between King *William* and King *Henry II.* in 1157; for he says, that the King of *Scots* restored *Carlisle* and *Bamburgh* Castle, with the County of *Landon*, and that *Henry* restored the County of *Huntington* to him: and yet Mr. *Holinshed*, you are not ashamed, so you can but reproach us on every side, to say, that this County was never restored; for you are so prodigal of your Faith, that you believed those things would never be read by any of our Countrymen. Yea, *Matthew Paris* writes, that after *William* was set at Liberty, viz. in 1185, the Earl of *Huntington* being dead without Issue, that *Henry* the second gave that County with its Appurtenances to *William* King of *Scots*; so little do your Writers agree amongst themselves, and you, Mr. *Holinshed*, dissent from all of them. So much for *Malcolm's* Homage.

You will have it that *William* King of *Scots* did Homage for his Kingdom, but *Polidore* and most of the rest do only make mention of the Homage without any Addition, and some do say that it was for the Kingdom of *Scotland*. That I may reconcile your Writers amongst themselves, we will divide the Reign of this *William*, as we did

did formerly that of your *Henry*, into two Periods, viz. that before his being made Prisoner by the English, and that after. The Form of Homage that he perform'd whilst a Freeman, is threefold, as may be seen in *Hoveden* and *Matthew Paris*; the first thus, *William did Homage to King Richard, in the same manner as his Brother Malcolm perform'd* and how that was, we have said already, viz. with a Salvo to all his own Dignities: The second thus, *That William paid Homage to John his King with a Proviso, to secure his own Rights*: The third is thus, as mentioned by *Matthew Paris*, *That William did Homage to the King of England for his Privileges in England*. All which Forms center in one, viz. That this Homage was perform'd with a Salvo to his Royal Dignity, and only in Right of those Lands which the King of Scots held in England; so that it's certain from your own Annals, that there was no Homage perform'd by King *William* for the Kingdom of Scotland, while he was at Liberty: and how far this Fealty does extend which has a Salvo *Jure*, or *Ordine suo*, is shewed by *Matthew Paris* \*, in the Oath of Fealty which *In Hen. Richard Prior of Dover* took, when he was IL. chosen Archbishop of Canterbury, viz. he swore Fealty to the King with a Salvo for those of his Order, i. e. with a Proviso for the

Ecclesiastical Liberty. But the Truth of the Matter of Fact as to this Homage, is to be found in *Polidore* thus: When *William*, one of the English Historians, had sworn Fealty to *Henry* for the Counties of *Huntingdon*, *Cumberland* and *Westmoreland*, he hop'd by this Obsequiousness, to have also recover'd the County of *Northumberland*; but finding that the King of *England* invent'd causes of Delay, he return'd Home very angry, with a Design to recover his Right by Arms, (which are always just and necessary, when Right cannot be obtain'd without them) and when *William* had tried in vain to recover his Due by Intreaties and all fair Means from *Henry*, who was a hard and covetous Prince, he ravaged all *Northumberland*; and having sent out his Cavalry to plunder the Country, as he was returning Home by way of *Alnwick* accompanied only with sixty Horse, he fell into an Ambush, (for our Princes were always more gallant than cautious or provident) and being taken, was treated in a barbarous inhumane Manner, carried to *Henry* with his Feet tied under the Horse's Belly, and kept in very harsh Custody for ten whole Years, though *Matthew Paris* writes, that he was defeated in a pitch'd Battel\*, and that so great a Multitude of those Scots Princes

\* In Hen. II.



men were slain, as cannot be numbred; just  
 in another Place, he says, that we wage  
 War like Women †! But neither could the † In Ste-  
 earnestness of Blood, nor the Merits of Da-phan.  
 his Grandfather, who expos'd himself  
 often to defend Henry's Dignity, prevail  
 any thing in favour of William. And here  
 you say, Mr. Holinsbed, that he was oblig'd  
 to part with Huntingdon, Cumberland and Nor-  
 thumberland, for his Ransom; from which it  
 is apparent, that he was not only then in  
 Possession of Huntingdon, but also of Cum-  
 berland and Northumberland, which you af-  
 firm to have been taken from him a little  
 before; for he recovered Northumberland  
 from Henry the Son, as is witness'd by Hove-  
 den: Therefore it is certain that the King  
 of Scots did always owe Homage for Cum-  
 berland and Northumberland, which over-  
 turns all your former Arguments.

But you think this an invincible Argu-  
 ment to prove your vain Babbling, viz. that  
 King William offered a Cloak, a Saddle and  
 Lance, at the High Altar in York-Minster,  
 in Token of Homage. But pray, Mr. Ho-  
 linsbed, could not he offer those things with-  
 out professing himself a Subject to the King  
 of England, or what reference has that Ob-  
 lation to the Fealty or Superiority of Scot-  
 land? But every corrupt Judg, says Horace,

is

is a bad enquirer into the Truth. *Lewis* King of *France* offer'd at the Tomb of *Thomas* the Martyr, (as he is call'd by *Hoveden*) a very large and valuable Golden Cup, and gave for the use of the Monks who serv'd there, 100 Vessels of Wine for ever, to be received at *Poyss* in *France* every Year at the sole Charge of the King of *France*, with an immunity from all Taxes, for whatever was bought for the use of the said Monks in *France*; must *Lewis* therefore be said to have paid Homage to the King of *England* because of this Oblation? So much for the time which preceded *William's* being made Prisoner. You add amongst other Conditions of his Ransom, Mr. *Holinshed*, that *William* promised that he and his Successors should hold the Kingdom of *Scotland* in Fee of the King of *England* for ever. I shall not deny the matter of Fact, which is attested by so many English Historians, the Tenour of the Charter or Indenture being also exhibited by *Hoveden*, *Matthew Paris* and others, whereby *William* in express Terms, without any Circumlocution or general Clause, confesses, that he acknowledges the King of *England* his Liege Lord for the Kingdom of *Scotland*; but I must say, that it was not only contrary to all Law, but Humanity it self, to require of a Man who

was

was not his own Master, but a Captive, and at that time a Subject of *England*, an acknowledgment of Superiority over *Scotland*. Let the Law of Nations plead for us, for all Kingdoms agree in this, that there lies a Claim of Restitution against all Actions extorted by Violence and Force: or let us have the Benefit of the English Law at least, according to the Answer of *William Brivier*, one of King *Henry* the 3<sup>d</sup>'s Counsellors, to the Archbishop of *Canterbury*; and the Barons when they demanded a Confirmation of their Liberties by the King, viz. That the Liberties which they sought, ought not to be observ'd in Law, because they were extorted by Violence\*. And therefore the Scots who serv'd under *Charles* the seventh then Dauphin of *France*, were altogether in the right in their Answer to King *James* I. (whom *Henry* V. of *England* had taken at Sea, contrary to the Faith of a Truce, and carried with him to *France*, that he might command the Scots to quit the French Service) viz. That they did not acknowledg him for King, so long as he was in the Power of their Enemies; and therefore would not obey his Commands seeing they were not his Subjects. For otherwise he being at that time a Subject of *England*, they did reasonably infer, that they must also become such if they acknowledg'd

\* Matthew  
Paris in  
Hen. III.



ledg'd him for their Liege Lord. Certainly he who is in the Power of an Enemy, or detain'd Captive, may easily be compell'd to do any thing; but the Laws allow him this relief, that being once at Liberty, he is not oblig'd to perform what he promis'd against his Will, and therefore whatever was done, said or promis'd by King *William* then in the Power of his Enemies, detain'd so many Years in strict Custody, and having no Hopes of redeeming himself otherwise, is accounted null and void in Law; and seeing Princes do but seldom go to Law with one another, there's no need of a *Declaration* (to use the Law-Phrase) to make this void in Law. What if *Richard* King of *England*, when he was detain'd Captive by *Leopold* Duke of *Austria*, subjected the Crown of *England* so as to hold in Homage of the said Duke; must that Homage be therefore accounted Legal, and the Kingdom of *England* subject to *Austria*? But that the English may be sensible what Inconveniencies they run themselves into by this Argument, the same *Hoveden* writes, that this very *Richard* who was for his Magnanimity call'd *coeur de Lion*, i. e. Lion's Heart, when he was sold by *Leopold* to the Emperor *Henry*, and saw no other way of delivering himself from his Captivity, he did divest

divest himself of the Crown of *England*, deliver it to the Emperor as Universal Monarch, and invested him with his Hat, and the Emperor did straightway, as was agreed on or command before hand in the Presence of the Peers of *Germany* and *England*, restore him the foresaid Kingdom of *England*, to be held of him the said Emperor, on an Annual Tribute of 5000 *l. Sterlin*, and thereupon he invested *Richard* with a double Crown of Gold; but the said Emperor did afterwards on his Death-bed quit Claim the said *Richard* and his Heirs of those and all other Agreements.

Let those two Princes *William* and *Richard*, and their Actions while Captives be compar'd, and we shall find that one Egg is not more like another, for both of them in their Captivity subjected their Kingdoms to the Power of another: but it's perhaps more dishonourable on *Richard*'s part, who promis'd to pay 5000 *l. Sterlin* annually as a Tribute; and both of them being at Liberty, obtain'd a Remission of this Homage which was extorted by Violence, either from the Lords themselves, or their Heirs. In *Richard*'s Case there was the Emperor's Investiture, in *William*'s none: therefore the English must either be very partial in their own Case, or acknowledg the same thing against

against themselves, which they object against us, viz. That the King of England did sometime pay Homage to the Emperor for the Kingdom of England, as I made it appear before in the Comparison betwixt our *Constantine* and *Ethelred* King of England, *Constantine* having only made a Surrender, (if it be true what the English say concerning him) but it is certain that *Ethelred* did reign precariously under *Suena*; so that they can find nothing in our *William*, but what they may find in their own *Richard*: For as to *Henry II.* the Subject of the present Dispute, no Body did ever esteem him a good Man, for the few Vertues that he had were exceeded, or at least equall'd by his Vices; and being unmindful of the Oath which he had sworn to our *David* his Uncle, never to redemand *Cumberland*, *Northumberland* and *Westmoreland*, he sought by all manner of ways, that is, by Force and Fraud, to seize them as the King of *France* did the English Fees which they held beyond-Sea; for that's a Fault natural to most Kings, that they endeavour to enlarge their Dominions right or wrong. But this did not pass unpunish'd in *Henry*, for on his Death-Bed he curs'd himself and his Childen, and the Day of his Birth; nor could he ever be prevail'd on by the Bishops to absolve his Children from that



that Curse, though they did inculcate how much he hazarded his Salvation thereby, But his Son *Richard* made an intire Restitution to King *William*, renounced those Confessions that had been extorted from him, and declared the Kingdom of *Scotland* free from Homage for all time coming, having expressly testify'd, that the Homage which was perform'd by his Brother *Malcolm* and his Predecessors, were only for the Dignities or Privileges which they held in England: and *Richard* did mightily exceed his Father in Vertue; for *Hoveden* says, that he did very much enlarge his Father's good Deeds, and diminish'd his evil Ones; those whom his Father disinherited, he restored to their Antient Rights, whom his Father banish'd he recall'd, whom his Father imprison'd he let go free, and those on whom his Father did inflict several Punishments unjustly, the Son did cherish and refresh. Let us also hear *Hoveden's* words concerning the renouncing of this Homage, for he liv'd very near those times\*. *William King of Scots came to Canterbury to the King of England in December, and did Homage for the Dignities which he was to enjoy in England, (mark those words for his Dignities in England) as Malcolm his Brother had enjoy'd them, and King Richard restor'd to him the Castles of Roxburgh*

\* In the first  
Part of the  
Annals of  
Richard I.

burgh and Berwick free from all Claims by himself and the Kings of England for ever, and did at the same time quit claim the Kingdom of Scotland from all Allegiance and Subjection to the Crown of England: and for this Restitution of his Castles, and quit claiming the Kingdom of Scotland from all Fealty and Allegiance; and in consideration of King Richard's Charter to be had thereupon, William King of Scots gave him 10000 Marks, and then Richard made him a Charter in this Form, the Tenor of which I thought fit to insert, because *Hoveden* is not in every Body's Hand, and that the Truth of this whole Controversy will appear from the same.

“ Richard, by the Grace of God King  
 “ of England, Duke of Normandy and A-  
 “ quitain, and Count of Anjou. To all  
 “ Archbishops, Bishops, Abbots, Earls and  
 “ Barons, Judges and Sheriffs, and to all  
 “ his Servants and faithful Subjects of Eng-  
 “ land, Greeting. Be it known, that we  
 “ have restored unto our most dear Kinsman  
 “ William, by the same Grace King of Scots,  
 “ his Castles of Roxburgh and Berwick, as  
 “ his own Hereditary Right, and to be pos-  
 “ sessed by him and his Heirs for ever. We  
 “ do moreover quit him from all Agree-  
 “ ments and Covenants, which our Father  
 “ of

of happy Memory, Henry King of England extorted from him by new Charters and his Imprisonment, so as he perform intirely and fully to us whatever *Malcolm* King of Scots his Brother did, or of Right was obliged to do to our Predecessors; and we shall do unto him whatever our Predecessors did, or of Right were obliged to do to the said *Malcolm*, viz. as to his safe Conduct, coming to, returning from, or staying in our Court, and in all Procurations, Liberties, Dignities, and Honours of Right due unto him, as shall be agreed on by four of our Peers chosen by the said King *William*, and four of his Peers chosen by us: and if any of our Subjects have incroach'd upon the Borders or Marches of the Kingdom of Scotland, since the Imprisonment of the said King *William*, without Judgment, it is our Will, that they be intirely restored, and reduc'd to that same State they were in before his Imprisonment. Moreover, as to the Lands which he ought to hold in England, whether in Demain or Fee, viz. in the County of *Huntington*, and any where else, that he and his Heirs for ever do enjoy them in as full and ample manner as *Malcolm* possessed, or ought to have possessed them, except that the said *Mal-*  
*colm*



" *colm* or his Heirs did afterwards let out a-  
 " ny part in Fee; and if so, that the Ser-  
 " vices of those Fees shall belong to him  
 " and his Heirs; and if our Father gave  
 " any thing to the foresaid *William* King of  
 " *Scotland*, it is our Will that the same be  
 " ratified and established. We have also  
 " restored unto him the Allegiances (*Lige-*  
 " *antias*,) Homages and Charters which our  
 " Lord and Father extorted from him by his  
 " Captivity; and if any other happen to be  
 " found or retain'd through forgetfulness,  
 " we command, that they shall be of no  
 " Force nor Effect. But he becomes our  
 " Liege Man for all those Lands for which his  
 " Predecessors became the Liege Men of  
 " our Predecessors, and hath sworn Fealty  
 " to us and our Heirs. Witness these Pre-  
 " sents.

*Matthew Paris* subjoins these following  
 Words to the same Sense, "*William* King of  
 " *Scots* did Homage to *Richard* King of  
 " *England* for his Privileges in *England*,  
 " and *Richard* restored unto him the Castles  
 " of *Roxburgh* and *Berwick*, and in conside-  
 " ration of the Restitution of those Castles,  
 " the quit claiming of the Kingdom of *Scot-*  
 " *land* from Homage, and the Confirmati-  
 " on of his Charter, the said King of *Scots*  
 " gave to the King of *England* 10000 Marks  
 " in Money.

Now

Now do not those two Forms of Homage, the one for his Dignities, and the other for his Privileges in *England*, make it evident to all Men, that the Fealty which the King of *Scots* swore to the King of *England*, was only for the Dignities and Privileges which he held in *England*. But you say, Mr. *Holinshead*, that those Monuments are still in the Custody of the English: For my part I don't believe it; for though your Faith be a Prostitute, or that at least you do assert this upon another Man's Credit, yet I look upon those Peers of *England*, and *K. Richard*, who says he restored them, to be honest and good Men. So that I give you your choice, whether you had rather that you your self should be accused of Falshood, or your Country-men of Perjury: for if you have them not when you say you have them, you are guilty of writing a Falshood; but if you really have them, you charge your Country-men with Perjury; when both here, and in the Peace which was agreed on betwixt *Edward III.* and *David Bruce*, the King and Peers of *England* declared upon Oath, that all those Monuments which contain'd any Subjection of *Scotland*, were faithfully restored; as you your self do also write: And *Richard* himself confesses that he had return'd that Charter or Indenture, which *K. William* had made during his Captivity,

to

to hold the Crown of Scotland in Fee of the Crown of England; and if any other Monuments be retain'd through Forgetfulness, they are to be esteem'd void and null. Don't you see, Mr. Holinshed, what Snares you have brought your self into? As to what concern those four Castles, they were delivered as Pledges, so that on payment of the Money they were restored. But you say, that the Scots will never be able to prove that the Money was paid. It cannot indeed be easily proved at such an Interval of time, yet the Prescription of so many Ages takes away all Right of Demand; and the Restitution of the four Castles which were laid in pledge, give ground to presume that the Debt was paid. The Testimony of Robert Mountain which you adduce, is to no purpose. By these it's as clear as the Sun shine, that there were two Homages perform'd by William; one for the Kingdom of Scotland, which was extorted by Force from him while he was a Prisoner, and is therefore called a New Charter, because there was no such Charter for Homage for the Kingdom of Scotland before that: And I pray you, Mr. Holinshed, what need was there of a New Charter of Homage for Scotland, if there had been any old one? Or what need was there to provide for that afresh, which you say was sufficiently provided for from the first Original



of England? And as to those Lands which he had in England, whether in Demain or in Fee, viz. in the County of Huntington, (which according to you, was lately taken from him, and never restored) K. Richard says in plain terms, that 'K. William and his Heirs shall for ever possess them in as ample manner as *Malcolm* did or ought to have possess'd them; and if his Father granted any thing to K. William, he ratified and confirm'd the same: And declares, that he restores all those Allegiances and Charters which *Henry* extorted from him during his Captivity. So that there cannot be a more expresse Renunciation in Law, than the Restitution of the Obligation by the Creditor to the Debtor; and if it should fall out that any others hapned to be found, or were retain'd through Forgetfulness, the King declares them void and null; reserving however, the Homage of those Lands for which *William's* Ancestors were Liege-men to his Ancestors.

For the better understanding of the Clause in this Charter, which is conceived in those Words; *As to his safe Conduct, coming to, returning from, or staying in our Court*: We must know that it relates to a Controversy betwixt the King of England and King of Scotland, as Prince of Cumberland, Northumberland and Westmoreland, concerning the Pre-

rogative of the King of *England's* Court; and whether the King of *Scots*, because he was his Vassal, ought to appear in the same. The King of *Scots* denied that he ought to appear in Person at that Court which was held without the Limits of his Fee. The King of *England* insisted on it, that he ought to appear where-ever he held his Court. The Controversy was decided by the Feudal Law thus; That the Vassal is not obliged to appear in the Court of his Lord, without the Bounds of his Fee, but at his Lord's Charge; and therefore it was transacted, that as often as the King of *Scots* should be call'd to the King of *England's* Court, it should be at the King of *England's* Expence; and that the King of *Scots* should be receiv'd on the Borders of *England* by the Nobility of *England*, viz. one Bishop, one Earl, some Lords and some Knights; who should also attend him back again to his own Borders at the King of *England's* Charges, who was to allow the King of *Scots* 5 *l.* Sterlin *per diem* for his own Expence. That would seem but a small Sum now, though it was then very great, as will appear, if we examine the old Accounts of the English Exchequer. Those things I have touch'd before, and should not insist any further on the Decision of this Controversy, but that *Holinshed's* Sawciness is to be quell'd; and that I am forc'd

forc'd to it by the violent Extortion of that  
same Homage from us by *Edward I.* seeing  
nothing can be said in more plain and ex-  
press Terms than this Charter of *Richard's* :  
and indeed it's a Wonder, considering how  
they strain'd their Wits to the utmost to  
fasten this Calumny of Homage upon us,  
that ever they should have printed *Hoveden*,  
or *Matthew of Paris*, who do so expressly  
and plainly affirm, that this Homage for Scot-  
land was violently extorted from *K. William*  
by *Henry III.* and afterwards remitted by  
*Richard*, and that the Homage was only per-  
form'd for our Possessions in *England*. They  
should have at least curtail'd something  
which, as I have already hinted, is very fami-  
liar to them, that such an evident Solution  
of this Controversy might not have been  
found in their own Historians: and now,  
like the Dormice in the Fable, they are cast  
by their own Judgment. But to the rest of  
*Winchbed's* Objections.

As to the petty Kings of *Galloway*, who as  
you will have it, perform'd Homage to *Hen-*  
ry; if there were nothing else in your whole  
work to accuse you of Folly and Falshood,  
this alone is sufficient to make you be hiss'd  
of all good Mens Company; for every  
one knows that *Galloway* is none of the rich-  
est nor largest Counties in *Scotland*. Yet



you have first dignified the same with the Title of a *Kingdom*, and now with that of a *Principality*, that so your Country-men may reap the more Glory from a Trifle. If the Princes of *Galloway* perform'd Homage to any other than their immediate Lord, they committed a very great Absurdity; for Homage is only due to the immediate Lord although he acknowledg another for his Superiour. This then is altogether frivolous concerning *Galloway*, which is a Country not far from the Borders; for being Rebels to their own Prince, they fled to the King of *England*, and offer'd or perform'd Homage that by his Assistance they might be able to sustain the Shock of their own King's Indignation: For the King of *England* was never wanting in his Design, right or wrong, to lay Claim to any part of *Scotland*, how little soever, as belonging to him. But the Inhabitants of *Galloway* having pacified their own Prince, did quickly return to their Duty. But what's all this to the Superiority over the Kingdom of *Scotland*? Is it not plain that you endeavour to attain that by foolish Arguments, which you can never do by solid Reason? *Cooper*, another of your Historians says that this *Henry II.* did much enlarge the Bounds of his Kingdom; having added *Scotland*, and all the Islands thereunto. Which

it has no shadow of Truth, (for he never  
 from Scotland) so it is not taken notice of by  
 any other than this unlearned Man; but  
 every one may see, that our Neighbours Hi-  
 storians are but too much addicted to praise  
 their own Country-men.

### CHAP. XXV.

*That the Scottish Clergy are subject to no English  
 Arch-bishop in Spirituals.*

**H**olinshed adds, That during the Reign  
 of this Henry II. Pope Alexander  
 granted the Jurisdiction over all the Scots  
 Bishops, to the Arch-bishop of York; which  
 he reckons a concluding Argument, that the  
 Scots were also subject to the English in Tem-  
 porals. This place does require it, nor does  
 there occur a greater Conveniency for it af-  
 terwards, to discuss this Question, which is  
 so often hit in our Teeth by Holinshed and  
 Polidore, viz. that the Arch-bishop of York  
 originally had, and continues to have the  
 Right of Jurisdiction and Superiority over  
 all the Bishops of Scotland; that by this  
 Trick they may cunningly open and pave  
 the Way to the whole Superiority, though  
 it is not the same in Temporals as in Spi-  
 rituals.

tuals. For Spiritual or Ecclesiastical Dignities depended on the Pleasure of the Pope; but Temporals are determin'd according to Law and Equity, and the Bonds of Humane Society: And therefore let's in the first place, examine the Form of this Conclusion. We except against it as being founded upon no Reason nor Rule of Disputation; for it's a perfect *Nonsequitur*, that because the Scots Bishops are subject to the Arch-bishop of *York* in Ecclesiastical Affairs, therefore the King of *Scots* ought to be subject to the King of *England* in Temporals: For by the same Argument, because the whole Christian World is, or at least was subject to the Pope in Spirituals, therefore they must also be subject in Temporals; and thus all Kings ought to receive their Investiture from the Pope only. So all Diocefans acknowledg their Bishops, Barons and other Vassals acknowledg the Rectors of the Churches and their Vicars, their Superiours in Spirituals; yet they don't therefore acknowledg them their Lords in Temporals. What Benefit of yours is there here? What Exploit, what Valour, what Martial Glory, is there in this, that you would thence infer a Superiority over the Kingdom? It is nothing but a meer Paralogism; if because the Scots Bishops received their Consecration from



from the Arch-bishop of York, therefore Scotland is subject to England. Who would think that the English should argue thus, amongst whom Philosophy is diligently cultivated in all its parts, but that their Passion perverts their Judgment: For he was in the right, who said

*Impedit ira Animum ne possit cernere verum.*

We shall say no more of the Form of this first Argument; but let's examine the Truth of this Proposition, Whether the Scots Bishops did in antient Times own the Arch-bishop of York as their Superiour; and whether it was not in the Reign of this Henry II. that it was first ambitiously obtain'd by the Pope's Charter, and stifled in the very beginning? But to repeat this Matter from the Original, the Proof of the Proposition is brought from the Institution of three Arch-flamins and Twenty eight Flamins, by Belinus King of Britain, Brother to that Brennus who is said to have burnt Rome, and were afterwards converted into three Arch-bishops and Twenty eight Bishops, by Lucius the first Christian King of Britain. But for my own part, I look upon all this Institution of Belinus, and the Expedition of his Brother Brennus into Italy, when he is

X 4

said

said to have taken, plunder'd, and burnt Rome, and that formidable Inundation of the Welch into Italy, to be errant Fables, feigned by idle Men who had no other way to spend their time. Nor is there any Reason to be more favourable to the Story of Joseph of Arimathea's coming to preach in Britain. Or if our Neighbours think otherwise, let them, or any others who patronize those Fables, tell me whence they had those things, what Writer or Author conveyed them down to Posterity, and where they found it writ, painted, or suggested, and I shall willingly yield. For my own part, there's nothing of which I am more desirous than that Britain's Glory should be consecrated to everlasting Fame; but I am not well pleased to have Fables obtruded upon us instead of Truth.

To return to our Bishops: The Pope, says *Holinshed*, who was then believed to have a Jurisdiction over all Bishops, did by his Bull ordain, that all Scots Bishops should receive their Consecration from the Archbishop of York as their Superiour, and that according to the ancient Laws and Statutes. But, Mr. *Holinshed*, if it was only believ'd that the Pope did so preside, that he could invert the Dignities of the Church, and make one which was free before a Servant and Handmaid,

ould, he did certainly put a Trick upon you, when he was only supposed to have that Power which he had not; and therefore that Bull is null and void, you your self being witness: Nor is it founded upon any shadow of Reason. But what if he had had that Power which he was believed to have, is there any Body so ignorant of the Canon-Law as not to know that the Pope does never tie up his own Hands; and that he shuts his Bosom against none, but what he hath establish'd by one Bull he can revoke by another, especially if he can say that he hath done it from his certain Knowledg; and that what he granted to day to the Arch-bishop of *York* contrary to Law, that he could not afterwards revoke it according to Law? For it is certain, that when the Scots complained grievously of this Bull, the Pope being thereunto induc'd by good Motives, did grant as much power to the Scots Arch-bishops as to the English, as shall be declared anon. But you assert, Mr *Hulinsbed*, that this Privilege granted to the Arch-bishop of *York*, was according to the Laws and Antient Statutes. Then I pray you, Sir, if you have any Law or Statute by which the Scots Bishops are subjected to the Arch-bishop of *York*; if there be any Pragmatical Sanction, or if you have any Ordinance or Decree either of

nonquid  
Occume-



Oecumenical or Provincial Council, why don't you produce, or at least quote them? Say under what Consul, Prætor or Pope this Privilege was granted, if you would have us to believe you: but you have carried your self in this Affair with so much Calumny and Frowardness, that you are not to be believed even though you were upon Oath? However, that this whole Controversy concerning the English and Scots Bishops may be discuss'd from its Original, I will make it appear, that the Scots did not only lay the Foundation of the Archbishoprick of *York*, but of Christianity it self in *England*.

Then to pass over that most silly Fable of the three Archflamins, and the twenty eight Flamins; it's plain that there was no Bishop in *Britain* before *Palladin*, who is by the English themselves called the Bishop of the Scots; or if either the Brittons or English have any, let them name them, and at what Time they flourish'd: but as for *Palladin* he liv'd about the Time of the Saxon Conquest, and by his perswasion *Constantine* King of Scots, did for some time maintain and bear up the Cause of the *Britains* against the *Saxons*. That there was no Bishop in *Britain* in the time of the Romans, after whom the Scots, then the Saxons made an

Irruption

Interruption upon the Britains, I prove from  
 Malmsbury \*, whose words are as follow : In Prozm.  
lib. 1. de  
rebus gest.  
Angl. Pon-  
tif.  
 Which were the Archiepiscopal Sees in the Time  
 of the Britains is very uncertain, because An-  
 tiquity hath destroyed the Memory of them. A  
 little after he says, That he was destitute of all  
 Assistance in this History of the Bishops, and  
 did only grope out his way through thick Dark-  
 ness, having no previous Light of History to  
 direct his Path. Gildas takes notice of  
 Priests and Prefects of Churches in Britain,  
 but mentions no Bishops. According to  
 Bede, Augustine Disciple to Gregory the  
 Great was the first Bishop in England, and  
 received the Archbishop's Pall from the said  
 Gregory, and yet he was not Archbishop of  
 any particular Place ; but because the House  
 in which he dwelt, was given him by Edel-  
 bert King of the Kentish Saxons, he was  
 call'd Archbishop of Dover, and afterwards  
 Archbishop of Canterbury about the Year  
 600. And Paulinus Bishop of York began  
 to preach about 625 or 630, and those two  
 were the first Bishops in England. About  
 that same time Oswald reign'd King of Nor-  
 thumberland, who having fled to Scotland  
 when a Child, where he was brought up in  
 excellent Discipline, but especially in Piety,  
 he was the first of the English Kings who  
 profess'd Christianity, and was not only bap-  
 tiz'd

tiz'd himself, but took care to have his  
 Saxons diligently instructed in the Christian  
 Faith, which he had imbib'd in Scotland du-  
 ring his Exile: And such was the Opinion  
 which that Age did entertain of the Learn-  
 ing of the Scots, that nothing was account-  
 ed well done in Matters of Religion, where-  
 of they were not the Authors.

There flourish'd at the same time in *Iona*,  
 one of the *Hebrides* or Scots Western  
 Islands, *Columbanus* a Pious and Learned  
 Man, out of whose School, as from another  
 Trojan Horse, issued a great number of  
 Souldiers and Professors of Christianity for  
 that Warfare, whose principal Care was to  
 instruct the English in the true Religion; and  
 they preach'd the Gospel with so much Fer-  
 vency and Zeal every where, that when the  
 Saxons who were ignorant of the Scottish  
 Tongue, did not understand what was said,  
*Oswald* himself sitting close by *Aidanus* the  
 Bishop, did interpret the same to his Peo-  
 ple: and by those Mens Ministry Religion  
 increas'd so much in *England*, that the Scots  
 were thereupon preferred to be Bishops in  
*England*, and Superiors of Abbies and Mo-  
 nastries. There succeeded to *Paulinus* the  
 first Bishop of *York*, after he was driven  
 from his See, three Scots Bishops successively,  
 viz. *Aidan*, *Finnan* and *Coleman*: but  
 the



the Controversy about Easter-day, which had also disquieted the Primitive Church for 100 Years, was very prejudicial to the Scots, who did therein stoutly oppose the Pope, and followed the Custom of the Eastern Church, though they were oblig'd by the Pope to relinquish their Opinion afterwards. However there are many Episcopal Sees, and many Monasteries, which own Scotsmen for their Authors, as may be seen in *Malmesbury, Ingulf, Hoveden, Worcester and Huntington*; but I have no Time to divert from the Subject in Hand. During all the Time from *Paulinus* to *Egbert*, Brother to King *Egbert*, the Bishops of *York* were content with the single Name of Bishop: But *Egbert* being of an high Mind because he was Brother to a King, and finding the Archbishop's Pall which Pope *Honorius* had sent to *Paulinus* the first Bishop who had rejected it, he put it upon himself without any Command or Authority, and so of a Bishop made himself Archbishop, and was the first who was called Archbishop of *York*, having taken the Pall without a Grant from any one. There were others who succeeded him until the Time of the Conquest, and yet all the Time of the Saxon Monarchy there's no mention made of the Scottish Bishops being subject to the Archbishop of *York*, or having

having sworn Obedience to him. Nay, the English themselves don't assert it, but confess, that that Privilege was granted to the See of *York* by latter Popes, viz. *Paschal* and *Alexander* the third, that they should preside over the Scots Bishops, who had not as yet an Archbishop of their own, that they might be consecrated by him. But *Polidore* is very like to be in the right, when he says, that those Popes endeavoured to subject the Scots Bishops to the Archbishop of *York*: the Scots protesting against it in general, and appealing to the See of *Rome*, the Controversy was referred to Pope *Alexander*, who did not decide the same; though honest *Holinshed* affirms, that it was decreed by this very *Alexander*, that the Scots Bishops should be subject to the Archbishop of *York*; whereas *Polidore* calls it, only an Endeavour of those Popes, not an absolute Subjection, but that the whole Controversy was suspended by an Appeal: and *Polidore* owns, that he had only seen Copies of those Bulls, but not the Bulls themselves. *Malmfbury*, who hath writ four Books concerning the Transactions of the English Bishops, promises in the Proem of his third Book, whose particular Title is, Concerning the Archbishops of *York*, that he will omit nothing that ever he met with in the Relations

sons of his Ancestors, reading of Books or his own proper Knowledg, and yet in that whole Treatise concerning the Dignity of the See of *York*, he has not one word of the Subjection of the Scottish Bishops, tho afterwards in the Reign of *William*, being deceiv'd by common Opinion, he reckons all the Scots Bishops, and amongst others the Bishop of *Orkney*, the Suffragans of *York*, being ignorant that neither in that Age, nor for some Ages after, was there any Bishop of *Orkney*; neither is the Bishop of *Orkney* mentioned amongst the Scots Bishops in that Bull of Pope *Clements*, of which afterwards. If our Neighbours shall perchance argue, that in the Time of the Conqueror, *Thomas* Archbishop of *York* did consecrate *Michael* Elect of *Glasgow*, and *Turgot* of *St. Andrews*; I answer, that that is no Argument of Superiority, for Bishops were wont to receive Consecration from others who were not their Superiors: for *Richard* Archbishop of *Canterbury* Elect, was consecrated by *Henry* Bishop of *Rockester*, as was also *Roger* Bishop of *London* and *Hugh* Bishop of *Ely* that same day, yet none of them acknowledg'd the Bishop of *Rockester* their Superior; and *John* Bishop of *Whitehorn* was consecrated by *John* Bishop of *Dublin* at *Pipenel*, and *William* Malvaife Bishop of *Glasgow* was conse-



consecrated by the Bishop of *Lions* in *France*: For our Countrymen chose to be consecrated by those whom Fame gave out to excel in Learning and Piety. But if they still go on and say, that the Scots had then no Archbishop, and therefore must of necessity have been subject to the Archbishop of *Tork* as nearest, seeing they could not receive Consecration as they call it from any other; I answer, that according to the Canon Law, the Consent or Authority of an Archbishop is not requir'd to the Consecration of a Bishop: For it is statute by the Canon Law, that when a Bishop is ordain'd, two Bishops should lay Hands upon him and hold the Gospel over his Head, and one of them repeating the Benediction over him, the rest shall touch his Head. And an Archbishop according to the Canon Law, is only the Ordinary of a Province; and certainly if *Scotland* be not a Kingdom, yet the English themselves will own it to be a Province, in which the Archbishop of *Tork* ought not to claim any Jurisdiction, seeing the same was without his Province. Nay, if I had to do with one who understood the Canon Law, I doubt not but I could easily prove, that not only Bishops, but sometimes also Archbishops were consecrated by Bishops: I alledg'd some Examples before, and  
more

more occur every where in *Hoveden, Paris* and other English Writers. I confess, that the English were before us in courting those Dignities, and that there were Archbishops in *England* before there were any in *Scotland*; but seeing those Titles had their rise merely from Ambition, and were usually purchas'd from the Pope by Money, in which the English did always abound, we don't envy them to our Neighbours: for certainly *Jerom* is in the Right, who says, *A Bishop and Presbyter are the same, and until that by the Instinct of the Devil, there arose Dissentions in Religion, and that People began to say, I am of Paul, I am of Cephas, and I am of Apollo, the Churches were govern'd by the common Consent of Presbyters: then what would he have said, or rather what would he not have said if in his time some had been call'd Archbishops, and some simple Bishops?*

But we must return to those Disputes which sometimes happened concerning this Controversy, whether the Scots Bishops did owe Subjection and Obedience to the Bishop of *York*: amongst other things which King *William* promis'd to *Henry* during his Captivity, before he could be set at Liberty, this is one that he should bring the Scots Bishops to a Conference and Dispute with the Archbishop of *York* before the Bishops of

of England, and compel them to do what should appear to be just and equal. The Kings of Scotland and England did thereupon meet at Northampton: But it is better to repeat Hoveden's words; William brought with him Richard Bishop of St. Andrews, Jocelin Bishop of Glasgow, Richard Bishop of Dunkel, Christian Bishop of Whitehorn, Andrew Bishop of Caithness, Simon Bishop of Murray, and the rest of the Priors and Abbots of his Kingdom: Who being conven'd before their Lord the King of England, their Lord the King commanded them upon their Allegiance, and the Oath of Fealty which they had sworn to him, that they should show the same Subjection to the Church of England, which they were oblig'd to do in the Reign of the Kings his Predecessors. To which they answered, That they never were subject to the Church of England, nor ought to show any Subjection thereunto. To which Roger Arch-bishop of York replied, affirming, that the Bishops of Glasgow and Whitehorn were subject to the See of York in the time of the Arch-bishop's Predecessors; and did thereupon demonstrate, and sufficiently instruct the Privileges granted to the See of York upon that Head by the Popes. To which Jocelin Bishop of Glasgow rejoin'd, that the Church of Glasgow was a peculiar Daughter to the Church of Rome, and exempted from all Subjection to  
any



any other Bishops or Arch-bishops; and although the See of York had the Superiority for some time over the See of Glasgow, yet it is plain that she never deserv'd it: And because Richard Arch-bishop of Canterbury, endeavour'd to have had the Church of Scotland subject to his See, he affected so much against the King of England; that he permitted the Scots Bishops to return home without making any Submission to the Church of England.

If we should diligently examine this Story, which is horribly perverted by *Hoveden*, the Controversy would easily be decided. The Scots had not then any Arch-bishop; and the Bishops supposing that they ought to be consecrated by a Superiour, were accustomed to go to the Arch-bishop of York, as the nearest, to receive Consecration; which was a foolish Superstition, seeing Bishops might have been consecrated by Bishops, as I said before: and therefore the Question was only, To whom the Right of consecrating the Scots Bishops did appertain? The Kings then met at *Northampton*, and both of them, with the Arch-bishop of Canterbury, and the rest of the English Bishops, sat as Judges. The Arch-bishop of York being Plaintiff, propos'd his Plea; wherein he did not alledg that all the Scots Bishops ow'd him Subjection, but only those of *Glasgow* and *Whitehorn*; and as

to their Subjection, he produc'd Bulls from the Popes : And therefore it's false what *Polydore* and other English Writers assert, that the Pope granted a Superiority over all the Scots Bishops to the Arch-bishop of *York*. But the Bishop of *Glasgow* did clear himself and his Collegue, by this Answer ; That although the Pope had granted such a Privilege to the Arch-bishop of *York* by Subornation, that yet Pope *Clement*, being well inform'd of the Injustice of his Predecessor, did free all the Bishops of *Scotland* from the Jurisdiction of the Bishop of *York*, and all other foreign Jurisdiction but that of the Church of *Rome* : And the Bull of Exemption is also recorded by *Hoveden* ; and therefore when both Parties held by the Pope's Bull, they parted without doing any thing, which *Hoveden* ascribes to the Arch-bishop of *Canterbury*'s Fraud. But however that is, 'tis plain both from *Hoveden* and *Polydore*, that the Question was not then decided, but left to the Pope ; and what was his Opinion in the Affair, we shall see when we come to *Edward III.*

From what has been said then, it is manifest that, what *Holinshed* asserts concerning the Scots Bishops being first subject to the Arch-bishop of *Canterbury*, and afterwards to the Arch-bishop of *York*, is altogether false ; for if the  
ambi-

ambitious Arch-bishop of York did by any indirect Means obtain a Bull from the Pope, his Successor being mov'd with the Equity of the thing, did annul the same; and decreed that the Church of Scotland, after he had enumerated all their Bishops, should be immediately subject to the Apostolick See, whereof she was a peculiar Daughter, and none should dare to pronounce a Sentence of Excommunication, or Interdict, against the Kingdom of Scotland, except the Pope himself, or some *Legat a Latere*; and that if any happened to be pronounc'd otherwise, it should be *ipso facto* void and null: adding, that none might exercise the Function of Legate in Scotland but a Native of the Kingdom; and that no *Controversy* should be carried out of the Kingdom, but in the case of an Appeal to the See of Rome. And as there are many other things to this purpose in the same Bull, which here I pass over; so it is evident, that all this Commemorative Ecclesiastical Superiority, with the Fictitious Homage, depends on a false Proposition or Paralogism, and dwindles into nothing. Most Men will perhaps think that I confound things, by ascribing what was done in *Richard's* time to that of his Father *Henry*; but I could not do otherwise: for seeing that Homage which

Y 3 Henry



*Henry II. extorted by Violence and Injustice from K. William, when he was a Captive, was declared to have been so by Richard his Son; it was necessary to join the Extortion of the Homage by the Father, with the Renunciation of the same by the Son. I come now to Richard.*

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CHAP. XXVI.

*Of Richard and John, Kings of England; and what was the Form of the Homage done to them.*

**Y**OU write, Mr. *Holinshed*, that *William* King of *Scots*, did Homage to *K. Richard* for the Kingdom of *Scotland*; and because he assisted him with Money for his Ransom to the Duke of *Austria*, you will needs have it that he did it as his Subject. It's but sorry Thanks that you return him for his Bounty: We confess that he gave him Money for a part of his Ransom; but that he did it as his Subject, is your Invention, as a true Trifler and Sophist. For your most angust Queen hath lent Money to the French King, *Netherlanders*, and many others, which perhaps she will never have again. I say nothing of our selves, whom she hath  
very

very often assisted with Money ; but if therefore any body should infer that she was subject either to the French, to the Netherlanders, or us, he were justly to be accounted a mad Man. The same may be said as to *Henry VIII.* who lent 300000 Angels to the Emperour *Charles V.* and yet was not therefore reckoned a Liege-Vassal to the Spaniard. But of this Homage neither *Polydore*, *Newbriggs*, nor *Stow*, make any mention. It's certain that he ow'd Homage at that time upon the Restitution of *Cumberland* and *Westmoreland* ; which both our Writers and yours, take notice to have been restored upon paying his Ransom : And it is manifest that many Offices of the strictest Friendship pass'd betwixt *Richard I.* and *William* ; for before that *Richard* undertook his Expedition into the *Holy Land*, he obtain'd Auxiliary Forces from *K. William*, and invested their General *David*, Brother to *William*, with the County of *Huntington*, who did him faithful and gallant Service in the Holy War : And *Richard* standing in need of Money at his return, all are agreed that *William* furnish'd him with some ; which you pervert, and alledg that he did it as his Subject. *Richard*, as I said before, was second to none that ever swayed the English Scepter for Goodness of Disposition, and

Y 4 Magnani-

Magnanimity : But he was very unfortunate in his Return from the Holy War ; for first being shipwrackt upon the Coast of *Istria* as he return'd, he was known and kept Prisoner by *D. Leopold*, whom he had offended in that War ; and being by him sold to the Emperour *Henry*, he was forc'd to accept of hard Terms of Ransom : and though *K. William* and he were much of the same Temper and Disposition, yet it appears by *Hoveden* that there was a sharp Contest betwixt them for *Northumberland*, which *Richard* was desirous to retain, and *William* claimed it as the Inheritance of his Brother *Malcolm*, who had possess'd it for many Years. The Matter however was compos'd during their Time, as if it had been by a silent Transaction, while each of them was permitted to enjoy what he possess'd peaceably ; so much did a Likeness of Disposition reconcile them. Don't you see then, *Mr. Holinsbed*, that you pervert the Performance of this Homage by a reproachful Interpretation, contrary to the Authority of your own Writers ? And the Homage which *William* perform'd for the Dignities which he held in *England*, in express words, you do without Evidence or Authority, obtrude upon the World as if it had been perform'd for the Kingdom of *Scotland*. Then where's your Understanding,  
your



your Reason, your Modesty, and the Care of your Reputation, which is the chief thing that is regarded by all honest Men?

*William* the Father, was the first who perform'd Homage to *K. John*; but *Hoveden* testifies, that it was for *Cumberland* and *Northumberland*, that by this ready Obedience he might also prevail with him fairly to restore *Northumberland*: But as to the Tricks by which he was eluded, *Hoveden* hath recorded enough. However, this Homage was not for *Scotland* as you dream, which is very familiar to you.

But let us hear *Polydore*; The King of *Scots*, says he, came to *London* to salute *John*, and is said to have taken his Oath, (he does not affirm it for a Certainty, nor yet that it was for the Kingdom of *Scotland*) being desired to assist him in his War against the King of *France*, he refus'd; than which Refusal there could be nothing more said or writ against this Homage; for he who owes Homage, is obliged to perform Military Service to his Lord whether it be required or not.

The Letters of the Pope, that he might have the King of *England's* Assistance for restoring the Arch-bishop of *St. Andrews*, can have no weight with any Man; for that has always been customary with the Popes to set

set Neighbouring Princes together by the ears. But let's hear the Words of the Letter, which is exhibited by *Hoveden*; "*Clement* desires the King of *England* that he would advise his Son *William*, King of *Scotland*, more seriously, and induce him by his Power, wherein he excels him, if he find it necessary, that *K. William* would remit his Rancour against *John* Arch-bishop of *St. Andrews*. What can be inferred from these words, but that the King of *England* should by the Prerogative of his Dignity and Arms compel *William* to obey the Pope, because he would not do it otherwise? How often has that been practis'd by Popes, that while one King refuses to obey, they require and implore the Help and Assistance of another? How frequently does this fall out amongst the German Princes? Of whom, if any one refuse to obey the Decree of the Imperial Chamber, the next Prince is commanded to take Arms, and compel him to obey: Yet one of them is not superiour to another. These things I mention only, that all Men may understand upon what vain and frivolous Arguments our Neighbours have built this fictitious Homage: There was a far other Event of the Friendship betwixt *K. John* and *K. William*, than there was betwixt him and *Richard*, they being altogether

ther unlike in their Temper: For when K. *John* was for sometime taken up in his Expeditions beyond Sea, that he might lay the Storm which he was afraid of behind him, he did so elude K. *William* by his fair Speeches, Fictions, and repeated Promises, that it had certainly issued in War, if *William* had not been prevented by Death. *Matthew Paris* and *Hoveden*, have recorded these delatory Answers, which were fram'd by K. *John* while he abus'd the Plain-heartedness of the King of *Scots*: for sometimes he obtain'd a Delay for six Months, sometimes till his Return from beyond Sea, and sometimes till he could call the States together that he might not do any thing without their Advice: And *William* did thereupon promise to be a peaceable Neighbour, and keep his Subjects from stirring. Nor will I deny but *William* did Homage to *John*, and also upon the Cross of *Hubert* Arch-bishop of *Canterbury*, in the Presence of many others, for the Dignities which he held in *England*; but that he did the same for the Kingdom of *Scotland*, is absolutely false. The Form of that Homage, and all the rest, is extant in *Hoveden*; where there's no mention that the same was for *Scotland*. Nay, *Hoveden* says expressly, that *William* swore Fealty to him against all Men, with a *Salvo jure suo*; that is, reserving his own



own Royal Prerogative. But there occur two things in *John*, which pluck up the Roots of this Homage: One is, that when *K. John* had made himself a Vassal, nay a Farmer to the See of *Rome*, and subjected himself and his Heirs, and Kingdom and Lands, by a perpetual Bond of Fealty and Allegiance, he expressly mentions those Lands, and covenants to pay 700 Marks annually for *England* and *Ireland*; and if *Scotland* had been then subject unto him, why did he not add something for the Tribute of *Scotland*, as *Holinsbed* did formerly alledg in the Matter of *Peter-pence*? But *K. John* was neither so impudent as to promise it, nor *Pandulphus* the Pope's Legate, such a Fool as to accept of it. The other is, that when *K. John* lay under the Infamy of his Nephew's Death, and all the Crimes which could be said or thought of any Man, which rendred him odious to his own Subjects and others, the English Nobility conspir'd together for the Choice of a new King; to whom assented *Alexander* King of *Scots*, as one of the Peers of *England*. *Lewis*, Son to *Philip* King of *France*, had married *Bertha* Daughter of *Philippa* Queen of *Castile*, and Sister to that same *K. John*; to whom *John* being ejected, and *Arthur* and his Sister being dead, the Right of Succession to the Crown of *England*

land did belong: But when *Lewis* her Husband arriv'd in *England* with Forces to seize the Crown in his Wife's Right, the Nobility of *England* swore Fealty to him as King of *England*, and their Liege-Lord: And amongst others, *Alexander* King of *Scotland* did also swear Fealty to him for the Provinces which he held in *England*. The Form of that Fealty is also extant in *Matthew Paris*, whose words are these: " In the Month of " *August*, *Alexander* King of *Scots* came to " *Dover* with a Great Army (for fear of K. " *John*) to *Lewis*, and did him Homage for " what he held in *England*. Don't you see here, Mr. *Holinsbed*, if you see any thing, what the Form of this Homage was which the King of *Scots* paid to the King of *England*? And therefore what you advance concerning the Homage for the Kingdom of *Scotland*, are the Imaginations of a vain and impudent Man. Nor can you produce or say any thing in Commendation of the Author of those Comments of your's, as Lawyers speak; and those things do so much the more injure your Fame, if you have any, as the Falshood of your Assertion is to be clearly demonstrated, even by the Testimony of English Historians.

Of

Of this *Henry* the Father, and his two Sons *Richard* and *John*, there are many things to be found in English Writers, that if they could be said against us, *Holinsbed* would take Heaven and Earth to be Witnesses of his Assertion: For how often did *Henry II.* call the French King his Lord? How often did he submit himself wholly to his Will, surrender himself up to him, and made his three Sons, *Richard*, *Henry*, and *John*, become his Liege-men, to use *Hoveden's* words\*, and take an Oath of Fealty and Allegiance to him as their Liege-Lord? When *K. Philip* of *France*, and *Richard* King of *England*, did mutually bind themselves in an Oath for the Recovery of *Jerusalem*, *Richard* did expressly promise to assist *Philip K.* of *France* against all Mortals, as his Liege-Lord: And *Philip* on the other hand, promised to stand by him against all Mortals, as his Vassal†. And as for *K. John*, he never wrote to *Philip* but under the Title of his Lord; nay, he receiv'd the Kingdom of *England* to be held of him, during his Brother *Richard's* being detain'd Prisoner in *Germany*; a mutual Oath of Lord and Client having past betwixt them: and when he succeeded to *Richard* afterwards, was despoil'd of his Provinces beyond Sea by the French King, and being also in hazard of losing *England*, he submitted him-

\* *Hoveden*  
in *Hen. II.*  
*Richard I.*  
and *John.*

† *Paris* in  
*Rich. I.*



himself and his Kingdom, his Heirs, and all his Lands, viz. *England and Ireland*, to the Pope to be held of him, under an annual Tribute, or Farm, of 1000 Marks; which was also put in Execution: For the Pope having lanc'd his Thunder-bolts with Curses and Excommunications, against the King of *France* and the Barons, he deterr'd them from their Purpose of dethroning K. *John*; but Seditions and Conspiracies growing greater and greater against him every day, he sent Ambassadors to Admiral *Murmelin*, then the most powerful of all the Saracen Princes, signifying (which are *Matthew Paris's* own words) that he surrendred himself and his Kingdom to him, to be held under an Annual Tribute if he thought good; that he would also abandon the Christian Religion, which he esteemed vain, and faithfully adhere to that of *Mahomet* for time to come. Who were the Ambassadors, and what was the Effect of the Embassy, is to be seen in *Matthew Paris*. I am really struck with Horror, as relating those things; for his Submission, formerly mentioned, to the Pope, is but Childrens Play in comparison of this Surrender. And if the English could have found any such thing against any of our Kings, what a Tragical Business would they have made of it long e're now?

You

You affirm, Mr. *Holinshed*, that at the Marriage of *Alexander* King of Scots, with *Margaret* Daughter to K. *John*, he perform'd Homage to his Father-in-Law: But what Author says so besides your self? For *Polydore* and *Newbriggs* pass over the Matter in silence, as a thing which was never heard of. But at that time K. *Alexander* held *Cumberland*, *Westmoreland*, and *Huntington*; and seeing Homage was due for them, what Wonder is it if he perform'd it? But you, Mr. *Holinshed*, according to your usual Manner, alledg it to have been perform'd for the Kingdom of *Scotland*.

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CHAP. XXVII.

*Of Henry III. and if any Homage were perform'd to him.*

IT remains that we examine *Henry the Third's* Reign; who because he reign'd 56 Years, his Reign did coincide with those of *Alexander the Second* and *Alexander the Third*, Kings of *Scots*. But you seem neither to understand their History, nor indeed the English History of those Times: For *Alexander the Father*, did not marry *Margaret* Daughter to *Henry III.*, as you imagine, but his Sister *Joanna* Daughter to King *John*; nor is there any English Historian who makes mention that *Alexander the Father* perform'd Homage during the whole time of his Reign, except at that time when both Kings took Arms, and were reconcil'd by means of *Richard* Earl of *Cornwal*, and Emperor of *Germany*. That History is thus writ by *Polydore*: *Henry* says he, that he might be in Peace at Home, made a new Alliance with his Neighbours the *Scots*, by marrying his Sister *Joanna* to their K. *Alexander*: But this new Alliance was not able to contain the two Kings within the Bonds of Friendship, whenever the



Question of the Homage was renewed; as is subjoin'd by *Polidore*, in those words: *David Prince of Wales, flying into Scotland, stirr'd up Alexander to war against the King of England, by giving out that the said King bragg'd that the cowardly Scots were subject to his Command, obedient to whatever he said, and liv'd according to his Prescription; and therefore when Alexander, being provok'd with these Calumnies, did invade England, and Henry met him with an Army, just as they were ready to give Battel, they were reconcil'd by the Industry of the Peers; who were vex'd that a War should be commenc'd on so slight an Occasion. Matthew of Westminster and Matthew Paris, give us this Story a little otherwise: For says he, When Rumours were brought to Alexander, that the King of England did give himself out as Liege-Lord of Scotland, and that the same was held of him, he sent him a sharp Message, signifying that he neither did, nor ought to hold one single Foot of Scots Ground of him, and did thereupon bid him Defiance, (Defidabat) which is a Word very frequent with them; and entring England in an hostile Manner, harass'd, and laid waste all the bordering Countries. Henry that he might be aveng'd for this Arrogance of the King of Scots, prepared an Huge Army privately, having also sent for the Count of Flanders with his Auxiliary Forces: Which being arrived in England, the*

*English*

English did murmur and fret that foreign Aid  
 should be sent for, bragging that the English  
 were sufficient of themselves to extinguish the  
 Name of Scots. But Henry having propos'd  
 the entire Conquest of Scotland, master'd all  
 who were oblig'd to do Military Service in Eng-  
 land; and having laid a Tax upon the Ecclesi-  
 asticks for Payment of his hired Troops, and  
 gathered together the whole Nobility and Gen-  
 try of England at Newcastle: When he heard  
 that the King of Scots was ready to receive  
 him with an Army, and that the Matter was  
 now brought to the critical Point, he began  
 to carry himself more modestly: For the  
 Borders of Scotland, which were within his  
 view, having afforded him a dreadful Aspect  
 of Long Spears, and Huge Pole-Axes; and  
 perceiving that he was likely to have a rug-  
 ged Adversary to deal with, he propos'd a  
 Peace by his Brother Richard Earl of Corn-  
 wall, and Emperor of Germany; and by his  
 means he obtain'd it, under a Pretence of  
 Piety, and to avoid such an Effusion of  
 Christian Blood as was likely to ensue. And  
 herein he acted the part of a wise Man, in  
 my Opinion: For according to Paris and  
 Westminster, Alexander had at that time in  
 his Army 1000 Scots Horse-men well ap-  
 pointed; and though not mounted on Ira-  
 nian or Spanish Horses, yet they had those  
 which

which were very good : He had moreover, 100000 valiant Foot ; who all having unanimously confels'd themselves, and being animated by the Encouragement of their Preachers, as those who were to fight in a just Cause for the defence of their Country, they despis'd Death ; and thereupon *Henry* went off without doing any thing. Now if any Man, who had no Prejudice against, nor particular Inclination to either of these Nations, had the writing of this History, I am apt to think he would have express'd himself thus : The King of *Scots* being inform'd by *David* Prince of *Wales*, who had fled to him, that *K. Henry* did brag of his being Liege-Lord of *Scotland*, and that that Kingdom did hold of him, he despis'd his former Alliance, and signified to him by an Herald that he did not so much as hold one Foot of *Scots* Ground of him ; and did thereupon denounce War against *Henry* : Who being enrag'd at this fierce Declaration, and designing to punish the King of *Scots* according to his Merit for such an high piece of Arrogance, he gathered together the whole Strength of his Kingdom, sent also for Auxiliaries from beyond Sea, and hired Souldiers every where ; but perceiving that *Alexander* was marching against him, with a numerous and resolute Army, that despis'd all Danger,



to prevent the Effusion of so much Christian Blood upon so slight an Occasion, he obtained Peace by means of his Brother *Richard*, and returned Home ingloriously, as the Conqueror and his Son *Rufus* had done before him: Who having attempted the same thing, but finding it impossible to put it in execution, return'd without effecting any thing. The Tenor of this Transaction betwixt *Henry III.* and *Alexander II.* is recorded both by *Westminster* and *Paris*; wherein there's nothing to be seen that does in the least imply any Homage for *Scotland*: Nor does *Alexander* yield any thing in point of Dignity to the King of *England*, in that part of the Transaction. But *Holinshed* urges, that *Alexander* owns the King of *England* as his Lord: And what wonder, when in reality he was so for the four Provinces above-mentioned? And so in all those Transactions or Indentures which were betwixt the Kings of *France* and *England*, and most of which are to be found in *Hoveden*, *Paris*, and others, *Henry II.* *John*, and *Henry III.* own the French King to be their Lord: Nay, *Edward* the First himself, in his Return from the Holy War through *France*, swore Allegiance or Homage to the French King as his Liege-Lord\*. And the Princes of *Germany*, in 47 \* *Walsingham* in *Edw. I.* Contracts which they had made with the Kings

\* Bodin,  
Lib. 2. de  
Repub. c. 9.

† Bartol. in  
l. cum quis  
§ sciam de  
Leg. 3.

Kings of France, professed themselves their Liege-Vassals; as does also the Duke of Gelderland, though he was not so. Thus Philip de Valois, and Alphonso King of Castile, do mutually in their Writings call themselves one another's Vassals, when indeed they were not so\*: For words of Courtesy and Civility, are not to be drawn into Consequence; and therefore according to the Opinion of Lawyers, one is not proved to be a Superiour because another hath saluted him by the Name of his Lord, because this is rather a Title of Honour than Right†. But in this Transaction, Alexander did that which was not to be born with in a Vassal; for the Kings having agreed betwixt themselves that this Transaction should be inserted in the Pope's Books, the King of Scots did thereby submit to the Pope's Jurisdiction in this Matter; which Henry would never have endured, if he had been his Liege-Lord: And neither can the Vassal subject himself to the Jurisdiction of any other than his own Lord.

You tell us Wonders if they be true, concerning Alexander the Third, Son to this Alexander the Second, viz. that after his Father's Death he was delivered by the Nobility of Scotland, being but then nine Years old, in Guardianship to Henry King of Eng-

land

and as Liege-Lord of Scotland; as if that Kingdom had been a Military Fee of England, and oblig'd to deliver the Heir into their Custody. It's certain, that during the Life of *Alexander* his Father, a Contract of Marriage was agreed upon betwixt *Henry*, in the Name of his Daughter *Margaret*, and *Alexander* then Prince of Scotland: And such was the Confidence which *Henry III.* had in *Alexander* his Father, that when he went beyond Sea, he put the North of England into the Custody of the King of Scots; that he might suppress any Tumults which should happen to arise there\*. *Alexander* \*Mat. Paris in Hen. III. the Father being dead, and *Henry* King of England urging the Nuptial Contract, *Alexander* the Third came to York in 1252. with a pompous Train, says *Matthew Paris*; nor had he ever before seen England, whatever you may feign *Mr. Holinshed*: which Practice is so familiar to you, that I am ashamed of it. But if *Alexander* had been delivered to be kept by K. *Henry* at nine Years of Age, until the Tumults, which were then very frequent in Scotland, should be appeas'd; does this infer either Military Wardship, Allegiance or Homage? It cannot certainly infer it any more than it did when *Henry II.* Son to the Empress *Maud*, was sent by his Mother to *David* King of Scots, to be kept during



during the War betwixt himself and King Stephen. I perceive, that according to you the Children of Princes cannot be educated in the Courts of their Grand-fathers, but they must needs owe Allegiance and Homage. But you are not only purblind, but stone-blind in your own History, to assert that Henry III. never demanded Homage from Alexander III. his Son-in-Law, because he was not of age to perform it; at least you craftily dissemble as if you had not read that which cuts the throat of all this Controversy: And therefore I will oppose to you the very words of *Matthew Paris*, lest I should seem to have contrived any thing of my own Head\*. “ The King of Scots in  
 “ the time of the Marriage, did Homage to  
 “ the King of England, upon the account of  
 “ the Tenement (*Tenementi*) which he held  
 “ of his Lord the King of England, in the  
 “ Kingdom of England, and the rest of the  
 “ Lands of *Lenden*, or *Laudon*, which is a Te-  
 “ nement of *Northumberland*; and when this  
 “ was agreed upon, it was also demanded,  
 “ that the King of Scots should perform Ho-  
 “ mage and Allegiance to his Lord the King  
 “ of England; on account of the Kingdom  
 “ of Scotland, as his Predecessors had done  
 “ to the Kings of England; as is evidently  
 “ set forth in many places of the *Chronicles*.

\* Matthew  
 Paris in  
 Hen. III.

The

The King of Scots answered, that " he came  
" thither in a peaceable Manner, for the  
" Honour of the King of England; and by  
" his Command, to enter into a Confederacy  
" with him by Nuptial Ties, and not to give  
" him any answer to that Question; for he  
" had not deliberated with his Nobles upon  
" that Head, nor had he a Counsel with him  
" competent for so great an Affair. In this  
Answer it is to be observed, that the Words  
[as his Predecessors had done to the Kings of  
England, as is evidently set forth in many pla-  
ces of the Chronicles] are Paris's own words,  
and therefore frivolous and vain: For nei-  
ther does Paris, nor any other English Chro-  
nologer, ever make mention of Homage  
perform'd for the Kingdom of Scotland, ex-  
cept that which was extorted from K. William  
during his Captivity; of which I have treat-  
ed before. Or if they have any Author, why  
are they afraid to name him? For as to all  
the former Citations, I have clearly refuted  
them already; but in this Performance of  
Homage, Alexander did right in performing  
it for the Lands which he held in England,  
but refus'd it for Scotland as he ought indeed  
to have done. I have Authors who say that  
he added, that he came into England under  
safe Conduct, and demanded that he might re-  
turn with the same; and if Henry had not a-  
bolish'd

bolish'd that Controversy, perhaps the Son had followed the Example of his magnanimous Father.

You say that *Henry* being troubled with Seditions in his own Kingdom, obtain'd 5000, our Writers say 10000, Scots; most part of whom perished in that War, fighting stoutly for *Henry* against *Simon Montfort*, and the rest of the English Barons. But *Alexander* being now acquainted with the English Tricks, and that they were accustomed to put a malevolent Interpretation upon those Auxiliaries, as a Service that was due to them, he obtain'd Letters from his Father-in-Law before they march'd from *Scotland*, that they were not granted as due by Military Service, but merely upon the account of Benevolence and Friendship. And the like was done by *Alexander*, in relation to *Edward I.* when he sent him Auxiliaries to subdue *Wales*. And whereas you assert, that *Alexander* perform'd Homage for *Scotland* at *K. Edward's* Coronation, you are plainly accus'd of a Lie by *Walsingham*; who mentions the Homage indeed, which *Alexander* ow'd as Beneficiary for the four Counties above-mentioned, but he has not one word that it was for the Kingdom of *Scotland*. And *Westminster* does not so much as take notice of the Homage. And from this place it is manifest, how little Faith is to be given



given to *Holinshed*; for where-ever he finds Homage mentioned, he presently, according to his own Purick Faith, adds that it was for *Scotland*. Nay, that which is yet more, *Alexander* did not come thither till he had first obtain'd it in Writing, that he did not come, as being oblig'd thereunto, by Service, but only out of Good-will and Friendship. For the burnt Child, according to the Proverb, dreads the Fire: And as in this *Alexander*, the Father, and Son, we perceive a provident Caution to escape the Traps and Gins of the English, who lay in wait for 'em; so in *Henry* the Father, and *Edward* the Son, we may easily see an excessive Ambition: for over-looking all Bonds of Affinity, they sought to ensnare the King of Scots, that under any Pretext whatsoever he might seem to have done Homage for *Scotland*. But in those Kings the Decision of the Controversy about the Homage, is no less manifest than it was before betwixt *Richard*, and *William* King of Scots.

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C H A P.

## C H A P. XXVIII.

*By what Tricks Edward the first sought after the Superiority of Scotland.*

**B**UT now we are come to *Edward I.* who was not only the Renewer, Asserter and Champion of this Homage, but in whom also this Homage, whatever it was, did expire together with the Benefit: Nor since this *Edward*, that the Beneficiary Provinces (of *Cumberland, Westmoreland, Northumberland* and *Huntington*) were taken away, is it mention'd by any Author of Credit, that any of the Kings of *Scotland* did Homage to the Crown of *England* upon any pretence whatever: and whereas before the Controversy about this Homage was manag'd at a distance by Reasons, Arguments and Threats; under this *Edward* the first it came to be fought hand to hand, and the whole Controversy submitted to the Decision of the Sword with such Animosity, and with so great Damage to both Kingdoms, that three hundred thousand Lives were sacrific'd to this Homage, and they fought for it above threescore Years, (for so long it was betwixt *Baliol's* being crown'd, and *David* the 2<sup>d</sup>'s being

being set at Liberty) without intermission, except for two or three Years in the beginning of *Edward* the third's Reign, that a Peace was agreed on, but could not be long-liv'd betwixt two enraged Nations, burning with mutual Hatred at one another; for neither could the Scots endure a Superior, nor the English an Equal in *Britain*: and in this War those were brought into greatest Danger who did nevertheless come off best in the whole War. And at this time *Britain* was afflicted with greater Miseries than *Italy* in the second Punick War, yea it was almost destroyed by its own Strength, which afforded a pleasant Spectacle to the Neighbouring Nations: *Edward* for Magnanimity, enduring Fatigue and Knowledg in Military Discipline, was inferiour to none of his Ancestors; but his great Vertues were mightily obscur'd by his inhumane Cruelty towards those that he overcame, his Rage against Hostages, and most flagrant desire of rooting out the Memory of the Scots; but he was at last disappointed in his purpose of establishing the Dominion of the whole Island in his own Family. I shall faithfully extract the History of this *Edward* against the Scots, from *Walsingham* and *Westminster*, the one a Monk of *St. Albans*, and the other of *Westminster*, who liv'd about



bout that time, and shall say nothing from any Scots Historian, but what is sometimes necessary to give light to the History which is miserably obscur'd and darkned by them.

While *Alexander* the third liv'd, Peace was faithfully kept by *Edward*: for *Alexander* was so cautious and provident, that he gave him no opportunity to grow upon him; and when *Alexander* was desired to come to the publick Meeting of the States, wherein *Edward* receiv'd the Crown, he would not until *Edward* did by a special Writing, declare, that he did not require it of him as a thing which he was oblig'd to do, but as a piece of Friendship: and when he sent him Assistance against the Welch, he obtain'd a Writing in like manner, That he did not send them as being oblig'd thereunto, but as a special Favour. *Alexander* being dead without any Off-spring but one Grandchild by his Daughter *Margaret*, who was married to the King of *Norway*; *Edward* demanded that Grandchild in Marriage to his Son from the Nobility of *Scotland*, that at last the whole Island might be united, which he also obtain'd; though there were some who conjectured, that the King of *England* would be a severe Master: But dying in *Orkney* as she return'd to *Scotland*, the Kingdom was divided into twelve Factions; for

there were so many Competitors for the Crown, but the chief were *John Baliol* an Englishman great Grandchild to that *Eberhard* or *Bernard*, who according to *Cambden* had the Glory of taking *William* King of *Scots* in an Ambush; *Robert Bruce* Son to *Robert Bruce* Earl of *Carick*, and *Hastings*, who were Grandchildren to three Daughters of *David* Earl of *Huntington*, and great Grandchildren to the said *David*, Brother to *William* King of *Scots*: All these being afraid of the Power of their fellow Competitors, and unwilling that the Kingdom should sustain any damage in the mean Time, submitted the whole Affair to the King of *England*'s Judgment, and chose him to be Arbitrator of the Controversy with common Consent. But *Edward* perceiving that the disposal of the Crown of *Scotland* was fallen into his Hands, which he and his Ancestors had so often desir'd with the greatest Eagerness, he conceiv'd an immoderate Joy thereat in his Heart, raises an Army under a pretence of suppressing any Tumults that might arise from his Decree, and advanc'd with the same to the Borders. The Scots by a certain connate Simplicity, put the best Interpretation upon all these things, being ignorant of *Edward*'s crafty Humour; who, according to the Example of

of *Lyfander* would ech out the Lion's Skin with that of the Fox; and by his cunning Tricks had lately obtain'd the Superiority of *Wales*: for having broken them in feveral Battels, yet not so much as to force them to acknowledg himself or any other Englishman for their Sovereign, he attempted it by this *Thracian* Comment and Wile. He sends for his Wife who was ready to lie in, to *Carnarvan*, a Town almost in the Borders of *Wales*, where she brought forth her Son, who was afterwards call'd *Edward* the second, or *Edward* of *Carnarvan*; having in the mean time plied the *Welch* with all his Craft, to acknowledg him for their Lord, which they did constantly refuse, saying, They would receive none as such, but one born in *Wales*, and who spoke that Language: Yet at last after many Difficulties, they allow'd *Edward* the Power of naming him, having taken an Oath, that they would obey, if he nam'd such an One: Whereupon *Edward* says, Yea verily, I will give you a Welch Lord and Prince, one born in *Wales*, altogether ignorant of the English Tongue, and who knows not how to speak any thing else than Welch, and then nam'd his Son. But although the Welch did plainly perceive that they were cheated, yet they look'd upon themselves as bound by their



their Oath, and from that time forward the eldest Son of *England* hath been always call'd Prince of *Wales*. He attack'd the Scots with the same Craft and Cunning, but only that he did it also in Arms, that he might usurp the Sovereignty of *Scotland* to himself; for when at first he seem'd unwilling to take the Arbitration upon him, as being unequal to so great a Burden, but assuring them that he would no less preserve the Dignity of the Scottish Nation firm and inviolable than his own: First, he bound them all by an Oath, to acquiesce in his Sentence, and demanded, that all Castles, Garrisons and fortified Places should be delivered into his Custody, under pretence, that the stubborn opposite Parties would not otherwise obey, unless he could force them to it; therefore how great the Simplicity, or rather the Madness of our Countrymen was, to deliver themselves thus, bound up in Chains, into the Hands of any Enemy, let the candid Reader judg. But *Edward* march'd to the Borders of *Scotland*, to fight as *Liege Lord*, says *Walsingham*: but I pray you, Mr. *Walsingham*, who expected War from him, certainly not the Scots, who had committed their greatest Affairs to his Arbitration; and who had then neither King, General, nor Army, as fearing no Enemy, and being sum-

A a                      moned

moned by him, came with their usual Trains, but without Arms; and there when they expected no such thing, they found *Edward* upon his Throne, giving himself out for *Liege Lord of Scotland*, that he would pronounce Sentence as such, and that the Cause could not be legally determin'd otherwise than before the *Liege Lord*. The Scots were struck silent with Astonishment, and found themselves surrounded on all Hands with the English Soldiery; so that *Edward* goes on, alledging, that he did not demand any new thing, but only the Right of his Predecessors, protesting, that he would defend the Prerogative of his Crown with his Blood: and that he might the more easily perswade them of this, he made all the Monasteries of *England, Scotland and Wales*, to be search'd, that he might know what his Right was on that Head. These are *Walsingham's* Words\*, and it was found, says he, in the Chronicles of *Marianus Scotus, William of Malmesbury, Roger of Hoveden, Henry of Huntington and Ralph of Lyssetum*; that in the Year 910, *Edward the Elder* subdu'd the Kings of *Scotland and Cumberland*: And though those Bawbles have been already refuted, yet I must insist a little further on them. And first, King *Edward*, that he might not be wanting in number of Witnesses,

\* In Ed. 1.  
1290.

nesses, produces five, of whom *Ralph* of *Ly-*  
*seus* did never yet see the Light for any  
 thing that we know: Nor does *Baleus* in  
 his Catalogue of *British* Writers make any  
 mention of him; and therefore as Logicians  
 say, *de non ente nullum est Judicium*, we can  
 form no Judgment of that which has no  
 Being. *Marianus Scotus* has no such thing,  
 nor yet *Malsbury*, *Hoveden* nor *Hunting-*  
*ton*, for none of those Authors did ever com-  
 mit it to writing, that those Kings were sub-  
 dued by *Edward* the Elder; they only say,  
 that *Cumberland* was given to the King of  
*Scots* by *Edward*, to be held of him that he  
 might suppress the Danish Tumults, and  
 keep the disorderly People in their Duty.  
 Nor if they had writ so, could they prejudg  
 our Cause, for those three, *Malsbury*, *Hove-*  
*den* and *Huntington* were late Writers, and  
 flourish'd at the same Time with King *Ed-*  
*ward*, and wrote in the Time of *Henry*, or  
 a little before, and therefore I submit it to  
 the Judgment of the candid Reader. If the  
 King of *England* had brought those three  
 Men along with him, that he might have  
 made use of their Evidence, either for pro-  
 ving the Dignity of their King or Country,  
 or this Superiority, what just Judg would  
 have admitted them, or have given Credit  
 to them though they had been upon Oath?



And at last, if they had said, that the Scots were subdued, what would have followed thence? For how often have subdued Nations recovered their Courage; and not only repell'd, but subdued the Conquerors? And therefore this first Proof being destitute of all its Sinews, falls to the ground.

*Walsingham* adds, that the same *Edward* was chosen as Lord and Patron by the Kings of *Cumberland* and *Scotland*; but we must take notice that the place is corrupted: for *Westminster* says only, that he was chosen for Lord and Father. Nor does it follow, because he was chosen as Lord and Father to sustain the Impressions of the Danes, that therefore he was constituted Liege-Lord of *Scotland*; for many are saluted as Lords, and chosen for Fathers or Lords, who cannot pretend however to any Right but that which results from the meer Good-will of the Electors. Neither is it true that there was then any King of *Cumberland*; for the Prince of *Scotland* taking at the same time the Title of Prince of *Cumberland*, is by the ignorant Monks believed to have been a King. *Walsingham* says that *Athelstan* conquered *Constantine* King of Scots, and permitted him to reign under him. If you say that he permitted him when he could not hinder him, we confess it; but that he reigned under

*Athel-*

*Macbeth*, you have no Author to vouch, no more than you have for *Edred's* Victory over the Scots, and the Fealty that was sworn to him, except you understand the League against the Danes. But that *Edgar* overcame *Rivadus*, Son to *Alpin* King of Scots, is not only void of all Testimony, but Reason: For besides that there was never any King of Scots of that Name, his supposed Father *Alpin* was dead 200 Years before him, and by that same Authority he is call'd King of *Denmark*, *Scotland* and *Norway*, though there be no Writer who mentions that ever he did enter into any of them. Nor did ever *Malcolm* receive the Kingdom of *Scotland* to be held in Fee of *Edward*: Nor is there any English Historian who says so; but they do only make mention, that the Auxiliary Forces of *Northumberland* came thither under their General *Earl Siward*: on whose Assistance *Malcolm* having relied, he deprived *Macbeth* the Tyrant, who had invaded the Scottish Throne, of his Life and Dignity: Although it is also manifest, that *Earl Siward* brought those Troops to assist *Malcolm* his Sister's Son in the Recovery of the Crown of his Ancestors, without any Command from *Edward*. Who could believe except he read them, that such ridiculous Instances should be brought as Evidence?

dence? That *Malcolm* was overcome both by the Conqueror and *Rufus*, is not to be found any where, but they were both oblig'd to return Home, after the Conclusion of a disadvantageous Peace, upon *Malcolm's* coming against them with an Army. As to *Malcolm's* two Sons, the Bastard was executed for bringing English Auxiliary Forces with him into *Scotland*, and the English were forc'd to retire; the other of them did Homage, but not for the Kingdom of *Scotland*. If *Alexander* succeeded his Brother *Edgar*, with the Consent of *Henry* the first, what Wonder! for *Henry's* Wife was his Sister; but that *David* did Homage to *Stephen*, is contrary to the Credit of all Historians, who do plainly assert, that *David* could never be induc'd to perform Homage to *Stephen*, because he had oblig'd himself to be true to *Maud* beforehand. As to *William* and *Alexander*, we have lately spoken; Homage was certainly due to the King of *England*, nor was it unusual to have it perform'd: but what's the Difference betwixt this in our Kings, and those of *England*, or wherein was the State of *Scotland* different from that of *England*? for the Conqueror and his Son *Rufus*, and *Henry* the first, *Henry* the second, *Richard*, *John*, *Henry* the third, and lastly *Edward* the first himself, did



did all of them swear Homage and Fealty to the King of France, as their Liege Lord, and yet they did not acknowledg him as Superior of England.

But let's see what the Scots answered to these Proofs brought by Edward. The Scots say they answered, that they knew nothing of this Superiority; nor could they without an Head, answer to such things, insinuating, and that not obscurely, that they ow'd no such Homage, and that if they had had a Head or King at that Time, that Edward would not have demanded that Superiority: The Scots must needs have been Stones or Toad-stools, or something yet more stupid, if they did not know their Lord, of whom they held their Lands;

*Non obtusa adeo gestabant pectora Scoti;  
Nec tam aversus equis nostro Sol jungit ab Orbe.*

Such gross Ignorance is not to born with in the most savage Barbarians, for even the Inhabitants of Gothland, Island and Finland, know their Lord, and pay their annual Tributes very willingly. But Plutarch in Lysander, is very much in the right, the Argives contending with the Spartans about the Boundaries of their Lands, and affirming, that their Arguments were stronger than those

those of the *Spartans*; *Lysander* the *Spartan* General showing them a Sword, said, he that holds this shall have the best in the Controversy about the Boundaries of the Lands, and *Edward* followed his Example in this Controversy: But say our Neighbours, there are Confessions of some of the *Scots*, recognizing the King of *England* as Liege Lord of *Scotland*, the Forms of which Confessions being drawn up in French, are exhibited both by *Westminster* and *Walsingham*. If what *Walsingham* and *Westminster* relate be true, this Confession was extorted from the *Scots* by Violence, being surrounded with armed Men who would have cut their Throats if they had not done it: But there are very few *Scots* there mentioned, for *Florence* Earl of *Holland*, *Baliol*, and *Hastings* of *Bessy*, who sign'd instead of his Father, were not *Scots* but *Englishmen*; and as for *Bruce*, it is evidently false, for he might have made such a Confession more to his Advantage elsewhere: Nor are there three *Scotsmen* in that Charter, neither did they at that time understand the French Tongue; so that whatever was offered to them, they subscrib'd so they might escape safe. By these Methods did *Edward* proceed to Sentence, but finding the Pretensions of two of the Competitors to overballance all the rest,

rest, he call'd *Bruce* apart, and promises to make him King if he would acknowledg him for Liege-Lord; but *Bruce* answered magnanimously, that the Kingdom which he had receiv'd free from his Ancestors, he would never enslave nor render subject to another. *Edward* being amaz'd with this fierce and resolute Answer, calls upon *Baliol*, and offers the same Condition to him, which, he being an ambitious Man thirsting after the Crown, and thinking he had made a good Bargain if he could purchase a Throne at any Rate, did willingly embrace. In the mean time King *Edward* dissembling this under-hand Transaction, pretended that he would decide the Matter according to the Opinions of the best Lawyers of *France* and *England*, and propounds the Case thus. A certain King holding his Kingdom from another King in Fee, and neither being accustomed to be Crown'd nor Anointed, but only plac'd in a certain Chair, &c. It's truly wonderful how he could propose the Case thus, for here he takes the thing in Controversy for granted that the Kingdom of *Scotland* was a Fee of *England*, which was never so much as once heard of before that time: but 'tis yet more strange, that he should say, that the King of *Scots* did neither use to be Anointed nor Crown'd; when he himself



\* Walsing-  
ham in  
Edw. I.

himself ordered all *Baliol's* Equipage to be search'd as he was hastning through *England* to *France*, and finding therein the Crown of *Scotland*, he took it from him, and dedicated it to *St. Thomas* \*. But to return to *Baliol* whom *Edward* preferr'd, having rejected the rest, he declar'd him King, and receiv'd Homage from him according to the Terms of the Agreement before-mention'd, and in such Form as he thought most suitable to his Affairs, and which he did dictate to *Baliol*, that new King refusing nothing; for *Baliol* was really an Englishman and great Grandchild to that *Bernard*, who had the Glory of taking *William* King of *Scots* by an Ambush, as I mark'd before out of *Cambden*, and was rewarded with many Lands in *England* upon that Account: So that in this I dissent from my Countrymen, who say, he was a *Norman*, and Lord of *Harcourt*: It may be he had some Possessions in *Normandy*, for his Predecessors came thence with the Conqueror. But *Baliol* being thus declared King, he did not only pay the Price of the Sentence agreed upon before, but also renounced all his Right to *Cumberland*, *Northumberland* and *Westmoreland*, and only retain'd *Huntington*, with the Consent of the King of *England*, who knew that he could easily divest him of that at any Time: nor is it

it to be wondered at, that an English Man and a Subject of England, should procure the Advantage of his Lord, especially when by his means he was made capable of obtaining the Crown, which he did so much long for, according to that of the Poet,

*Si violandum est Fæd Imperii causa  
Violandum est aliis rebus pietatem colas.*

CH A P. XXIX.

Whether or not that Sentence was just, which Edward gave for Bruce against Baliol.

**B**UT the English will say, that Edward pronounc'd a very just Sentence, in adjudging the Succession of the Crown of Scotland to Margaret, eldest Daughter to David Earl of Huntington and her Off-spring, and rejecting Isabel the second Daughter, who married Robert Bruce Earl of Carrick, and her Off-spring; for there's no Body who does not prefer the First-born to the second, in *Individual Fees*, and by consequence, the Off-spring of the First, to the Off-spring of the Second: although indeed most Men think that this Sentence of King Edward's was according to Law, yet because  
of

of his being corrupted, and receiving a Reward for his Sentence, he ought not to have been Judg; but if the Matter be thoroughly canvass'd, perhaps it will be found that this Sentence was not pronounc'd according to Equity neither: for besides the other Reasons brought by our Countrymen, and the Custom of the Kingdom then observed in Judgment, that in the Off-spring of diverse Sisters, the first Male is prefer'd, and the Case of the Count of *Nivern* and the Duke of *Burgundy* for the County of *Flanders*, approv'd by all the Parliaments of *France*, and especially the Senate of *Paris*; I appeal them also to the Feudal Law it self, which was at that time tenaciously observ'd by the Noblest Kingdoms in *Europe*. I shall here cite one Text, which agrees so well to this our Hypothesis, that nothing can be more like: The words of the Text are these, *The like if any Man be invested in a Fee, so that it descend upon Women, and leave only two Daughters, of which the one has a Son, and the other a Daughter, whether after their Death the Male ought only to have the Fee; according to Gerard, the Male only: Obertus on the contrary: And on the other Hand if he have Sons.* That we may adapt this Text to our Hypothesis, *David Earl of Huntington and Chester*, to whom as the next



of the Paternal Line, the Right to the Kingdom of *Scotland*, (the whole Off-spring of his Brother *William* being extinguish'd) and its Succession devolv'd, of which Succession a Woman and those who descend from her are as capable as a Male. He left two Daughters, *Margaret* the eldest, who married *Alan* Earl of *Galloway*, of which Marriage was born *Dornagilla* Mother to *John Baliol*, afterwards King; the other was *Isabel*, married to *Robert* Earl of *Carick*, of which Marriage was born *Robert Bruce* Father to King *Robert* the first. The Question is, whether *Robert Bruce* though born of the second Daughter, yet the first Male, or *Dornagilla* Grandchild by the first born Daughter, is to be preferr'd in the Succession to the Crown, which admits of no Division: In this Question the two great Lights of the Feudal Law, *Gerard* and *Obert* are oppos'd to one another; but the Opinion of *Gerard*, that the first Male is to be preferred, is not only confirm'd by other Places, as well of the Civil as Feudal Law, but also by the Suffrages of all the Interpreters. *Baldus Alvaroltus* the President, and the Moderns *Hottomannus Duarenus*, *Baro*, *Conerus* and *Cujacius*; nay, and *Hortensius* himself does in other Places, approve of the Opinion of *Gerard* as the truest: Nor is there any Reason

son to doubt, because the Text does not express, whether this Son be born of the eldest or second Daughter; for if this Son had been born of the eldest Daughter, there had been no place for doubting. But as to this Question, the Reader may see more in my second Book *de Fendis*.

Neither is this Decision without a Precedent in the Succession of the English Crown: For *Henry I.* his Male Issue being dead, and having a Grand-son, afterwards *Henry II.* by *Maud* his Daughter, who was married to *Geffrey Plantagenot* Earl of *Anjou*, he was solicitous how to secure the Succession of the Crown to them, and made all the States of *England* swear Fealty to them as those who were to reign immediately after him. Nevertheless, he being dead, *Stephen*, Grand-son to the Conqueror by a Daughter, took the Crown. Nor is it likely that the English would have receiv'd him contrary to their Oaths, except the Law had been for him: For *Henry II.* Son to *Maud*, having the Title by a Woman, and *Stephen* having the same, he affirm'd himself to be first in the Succession, because he was the first Male, though descending from a Woman: nay, he urg'd that if *Maud* her self had been alive, he ought to be preferr'd to her, as being the first born Male, and by consequence his Offspring

ing ought to be preferr'd to *Henry II.* This Matter was debated a long time in *England*; yet *Stephen* was never accounted an Usurper or Tyrant, but look'd upon as lawful Heir and King: Nor were ever his Laws rescinded by succeeding Kings, as those of one who had no lawful Authority. Nay, that which is more, at the Agreement betwixt Him and *Henry II.* his own Son *Eustace* being dead, he adopted *Henry II.* that so he might derive the Right of Succession from his Person. Which he would never have done, had he been look'd upon as a Tyrant or unlawful King: And in most places of *Hoveden* it appears, that the first Male descending from a Female Line, is judg'd to have the best Right. For the Antients were of Opinion, that a Male in the same Degree of Consanguinity was always to be preferred: and thus a Brother is preferred to all the Sisters, and so amongst Cousins (for the Case of Sisters is the same) the first Male was preferred in the Succession to the Grand-father, to a Woman, though begotten by the eldest Son. But the Case is not the same in Brothers; for the first born excludes the younger: but in Women the Case is the same; for they all succeed alike, none of them being preferred to one another.

This



This is sufficient to be taken notice of at present, seeing I know that there were then other Rules of Judging: for, as it appears by *Bodinus*, it was customary at that time in most places, that the eldest Son dying before the Father, and leaving a Son behind him, the second Brother was preferred to the Grand-child in the Succession to his Father; and he instances in Cases having been determin'd thus. Then let others think as they please, (for I offer Violence to no Man's Judgment) it's my Opinion that, both according to the Rules of the Feudal Law, and the Custom of the Country, which *Edward* ought to have observ'd, he gave a very unjust Sentence: Which was not to be expiated any otherwise than by the Lives of Multitudes, as the Event verified.

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CHAP.

## CHAP. XXX.

*Whether Sovereign Princes can render themselves, and their Subjects, Vassals to another Prince : And how by the Act of this very Edward, the Superiority was destroyed.*

**I** Hinted above, that a Prince who governs a free People cannot render them Slaves, or subject to the Dominion of another Prince : Nor can the Barons of that Kingdom transfer the Prerogative of that Liberty they have receiv'd from their Ancestors, upon any other than their own Lord. The Authors of this Proposition are *Alexander Cardinalis*, *Jason* and *Imola* ; who do all of them hold, that the Rights of Majesty have that Prerogative that no Prince has Power to dispose of them in any manner ; that they cannot be alienated, renounced, or taken away from a Sovereign Prince, or suffer Prescription by any tract of time ; and therefore *Baldus* calls those Rights *Sacra Sacrorum*, *Cynus* calls them *Individua*, which cannot be separated from the Crown or Royal Majesty. For those who are entrusted with the chief Care of the Common-wealth, cannot so much as diminish one foot of the

Publick Patrimony, much less give away the Property of it : For Kings, or Sovereign Princes, (says *Bodin*, a most famous Lawyer) are so far from having the Dominion or Property of the Publick Farms, that they have not the entire Usufruit, but must content themselves with the Use of it ; for they are only Proctors or Administrators of what belongs to others, and all the rest are owing to the Common-Wealth, with the Government whereof they are intrusted : and if a King who is subject to none, do either of his own Accord, or be forc'd against his Will, to serve and obey another, he loses the Title and Rights of Majesty. *Hottomannus* handles this Question expressly, *Lib. Illust. Quest. quest. 1.*

But to return to the Transactions of those Times, *Baliol* was the first, and the only one of all the Kings of *Scotland*, who acknowledged the King of *England* as Superior of *Scotland*, as he did *Edward* according to his Covenant ; which as soon as it was known to the Scots, who had received *Baliol* as King because of their Oath, they took it very ill (as *Alexander* the second had done before :) and although all the fortified Places were in the Enemies Hand, that the Nobility were bound by their Oath, that a great Army of English were ready to pour in upon them, and



and though they were destitute of the Assistance of the great Ones, and the most part as is usual in such Cases, adher'd openly to the English for fear of being undone; yet first, they chid *Baliol* severely, for rendring the Kingdom subject to an Enemy, which he had received free from his Ancestors: but he promising to be afterwards govern'd by the Peers, took Arms with all Expedition against *Edward's* return from *France*; and when at his coming Home, he redemanded Homage from *Baliol*, *Walsingham*, *Polidore* and *Holinshed* say, the Scots answered, that they were born Free, were subject to none but their own King; nor would they acknowledge any other Sovereign, but their own Prince. *Edward* being incensed, says *Polidore*, did not only deprive *Baliol* of the Earldom of *Huntington* for his Ingratitude, but led a great Army against the Scots, and having killed many thousands, took *Berwick* by Storm; *Walsingham* says, that there were 60000 slain there: At *Dumbar* he routed all the Scots Forces under *Baliol*, in which *Battel Bruce* took part with the English, as he did a long time after, in hopes that the King of *England* would eject *Baliol*, and set him upon the Throne; for so *Edward* had promised him under-hand after he began to hate *Baliol*, that he might thereby draw

him over to his side. So that *Baliol's* Courage being quite broke, because he found himself unable to maintain such a War, being despis'd by his Subjects, and contemn'd by his Adversaries, he resign'd the Kingdom into the Hands of *Edward*, having received in lieu thereof some Lands in *Normandy*, where he might live the rest of his Days. But I would pray the kind Reader to have a little Patience and Attention, while I beat the Assertors of this Homage with their own Weapon.

This *Edward* was the first who establish'd the Homage in a King of his own Chusing and Appointment, nay his own Liege-man and Subject. Nor is it any wonder that this cowardly Man, who was altogether unfit for Government, and yet blinded with an Ambition to reign, and above all being an English-man, did this Homage in favour of his Sovereign. And though we should grant what they will never be able to make out by any probable Argument, that the Kingdom of *Scotland* was a Fee-Liege of *England*, and that the King of *England* had before that time been Liege-Lord of *Scotland*; yet I will make it plainly appear, that that Homage and Superiority was destroyed by *Edward*. Then the King of *England* was, as they say, Superiour of *Scotland*, and *Baliol* his Vassal for the same, if the Gods will have it so.

6. But *Baliol*, who was a cowardly Man, being deserted by his Subjects, and unable to maintain the War, he came to the King of *England* at *Brechin*, and resign'd all the Right which he had to the Crown of *Scotland*, with the Homage of his Scots, into the Hands of *Edward* his Lord, as Liege Lord, which is recorded by all the Writers of both Nations. This Resignation being made, *Edward* was no more Superior or Liege Lord of *Scotland*, but Lord-Proprietor of all *Scotland*, no less than he was of *England*; for then there was no Vassal for the Kingdom of *Scotland*: but the Property was consolidate with the Superiority, which Consolidation Lawyers call, *Confusio Dominii utilis cum directo*; and so *Edward* himself says, that by this Resignation, he was legally constituted Possessor of the full Dominion, that all the Scots were his Subjects, and perform'd Fealty and Homage to him as to their immediate Lord: and therefore if by this Resignation the Property and profitable Dominion be conjoin'd and consolidated with the Superiority, it follows of necessity, that the Superiority is extinguish'd, for there can be no Superior or Lord, where there is not a *Vassal* or *Inferior*; for these are Correlate, and if one be wanting, the other must of necessity fall. And therefore what is principally urg'd for



the Confirmation of this Homage by our Neighbours, is the chief thing that subverts it; and if they confess that to have been a true and lawful Resignation, it is not needful to confess any Superiority or Property afterwards, except they can make it appear, that the Kingdom of *Scotland* was given in Fee *de novo*, by the Kings of *England*, which no Man who hath not declared open War against the Truth, will as I believe attempt: for there's no English-man who can for shame assert this Homage, or affirm, that *Scotland* was given after that to be held in Fee of *England*; nor is it credible that the King of *England* would so easily part with it, who had so often sought an opportunity to be possess'd of *Scotland*; and therefore it appears by their own proper Confession, that the Kings of *Scotland* from that time, which is now three hundred Years, have not been Vassals to the Kings of *England*, nor owed them any Allegiance or Homage. But if our Neighbours ask by what Right then do our Kings possess *Scotland* at this time, I answer, by one much better than the English possess *England*; but another Place is more proper for this Controversy: It is sufficient now that I have evinced, that this commentitious Superiority was overturn'd by this Act of *Edmund* the first's, which is supposed

to have promoted it most of all.

They did not cease from Arms after the Resignation by *Baliol*; for when the Scots did assert that that Resignation was void and frivolous, they took Arms with great Expedition, and routed the English in many small and some great Battels, tho the English Writers do only take notice of two, one at *Sterlin* Bridg, where half the English Army, with *Hugh Cressingham* their General was slain, and the other at *Roslin*, where under the Conduct of *Simon Fraser* their General 8000 Scots scarcely half armed, did in one Day rout three English Armies, whereof each did at least consist of ten thousand Mercenary Souldiers; for *Ralph Confrey* who had 30000 English under his Command, for fear that he should want Provisions and Forage, divided his Army into three Parts, yet so as they might not be far asunder, but help one another as occasion requir'd. But *Fraser* watching for an Opportunitiy, as soon as he saw their Forces divided into three Bodies, he attack'd them one by one, and in the space of one Day, did almost totally cut them off; and so the English who did now promise themselves sure footing in *Scotland*, were all thrown out, and their bordering Countries expos'd to the Ravages and Devastations of the Scots. *Edward* being en-

raged at these Successes of our Countrymen, he assembled not only the whole Strength of *England*, but also that of the Provinces which he did then command beyond-Sea, and march'd into *Scotland*, and when he arrived there, most of the Nobility of *Scotland* joined him, and amongst others *Bruce* with his Forces, which did mightily encrease his Army. But the Scots being nothing terrified by such numerous Forces, tho at the same time deserted by most of the chief Nobility, they rais'd an Army, and being lifted up by their former Victories, they prepar'd for Battel in a plain Ground call'd *Falkirk*; but Ambition prov'd their Destruction, and, as it is said of *Eris*, threw in an Apple of Contention amongst them, by which *Troy* was afterwards consumed, because she was not invited to the Marriage of *Peleus* and *Thetis*. The Scots Army did not exceed 30000 Men, under the Command of three Generals, *John Cummin* at that time the most powerful of the Scots Nobility, *John Steward* and *William Wallace*: But a fatal Contention happen'd amongst them about leading on the Van against the English, for that's the Post of greatest Honour amongst us: *Cummin* claimed it as his due, nor would *Steward* yield to him in Dignity, and *Wallace* said it was his Right, and due to his Authority



thority as Viceroy. Hence rose Discord and  
Factions in the Army, and *Cummin* perceiving  
that the Souldiery favoured the other two  
more than him, he went off with all his  
Forces, for the rest suspected him as a favou-  
rer of the English; nor was it without  
ground, for *Westminster* and *Walsingham*  
do both of them exhibit the Form of the  
Oath which he swore to be true to *Edward*  
before that time; and by this his Family  
which was then, as I have already said, the  
greatest and most potent of any in *Scotland*,  
was so brought under, that the name of  
*Cummin* is now very rare in *Scotland*. As to  
the other two, *Steward* and *Wallace*, the first  
claimed the leading of the Vanguard because  
of his Nobility, and the latter demanded it  
because of his Valour and the Suffrage of the  
People: *Steward* being enrag'd at it, upbraid-  
ed *Wallace* with the Fable of *Æsop* or *Hora-  
ce's* little Raven, which did so exasperate  
*Wallace*, that not being able to master his  
Passion, he did also march off with all his  
Forces; the only Blot that can be charged  
on him during the whole Course of his Life,  
that he should not have sacrific'd the Resent-  
ment of the Injury done to himself, to that  
of his Country at such a critical Juncture:  
but in all other respects, he may be compar'd  
to the Antient Hero's, either for Endow-  
ments

ments of Body or Mind. *Steward* being left alone in the Field, did (lest he should seem to be fiercer in Words than Deeds) give Battel to the *English* with a great deal of Gallantry, tho he had but one third part of his Army; but that which proved most fatal to him, was his engaging on plain Ground, and not being aware of *Bruce*, who fell upon his Reer; so that being encompass'd with a multitude of Horse and Foot, he was cut off with most of his Men. *Bruce* is branded with the Infamy of this Battel, for having brought great Forces into the Field against his own Countrymen, and fought with too much Bravery in favour of King *Edward*.

I have insisted the more upon the Event of this Fight, because the *English* please themselves too much with the Relation of it, and give out, that above 60000 Scots were slain in this Action, whereas they themselves did not lose above thirty Men: *Westminster* says, there were 200000 Scots in this Army; *Walsingham* does not pitch upon any Number, but says, it was an horrible Battel, the whole Scots Army being destroy'd by the *English* Cavalry. However that is, it is certain that the Battel was great, and that abundance of Scots fell therein; but though they were broken by this Battel, they did not abandon their Cause; for *Wallace's*

lance's Anger being asswaged, he brought back his Forces into the Field; and although he durst not give Battel to the numerous and victorious English Army, yet following them close, he did by falling on their Reer, and cutting of the Straglers, so much pinch the English Cavalry for want of Forage, that Edward was forced to return into England; Bruce followed him by reason of his dependance upon him, and requiring him to fulfil his Promise, was rejected with Disdain: whereupon he began privily to sound how the Scots stood affected to him, and to solícite them to declare him Heir to the Crown; but all of them being jealous of him, his business went on but slowly at first.

CHAP.



## CHAP. XXXI.

*A sharp Epistle from Pope Boniface the 8th, to King Edward about the Injustice of his War against the Scots, and Edward's Apology.*

**I**N the mean time there happened a Controversy betwixt *Boniface the 8th*, and *Edward I.* about the Right of this Superiority over *Scotland*: For when the Scots being inferior in Arms, had recourse to the Help and Assistance of the Church of *Rome*, and had plainly instructed the Injuries done to them by *Edward*, *Boniface* being mov'd with their Intreaties and the Justice of their Cause, wrote Letters to *Edward*, accusing him of Injustice in undertaking of this War, and threatening him with Ecclesiastical Censures if he did not desist from troubling the Scots: But this Controversy being copied both by *Walsingham* and *Westminster*, I shall go over the Heads of it in a few Words, seeing by them the Decision of this whole Controversy will be manifest; for the Pope proves by very strong Arguments, that this whole War was unlawfully undertaken, and that *Edward* did unjustly vex the Scots upon  
the

the Account of that Superiority, which he did falsly conceive he had a Right to over their Kingdom. *Walsingham*, that he may lessen this Authority of the See of *Rome*, does fabulously assert, that the Scots had corrupted the Pope with Money, as if ever the Scots had so much abounded therewith, as to be able to out-bribe the English: But pray let's hear what *Boniface* the 8th has to say for *Scotland*. First, he alledges, That the Kingdom of *Scotland* did not belong to any other but the See of *Rome*, that it neither is, nor ever was a Fee of *England*, as *Edward* alledged: He brings no Proof for this Proposition as being Negative, and has not only a manifest Presumption of Law, seeing the Presumption is always reckoned on the side of Liberty, but Notoriety and perpetual Custom. But afterwards he proves the Matter plainly by Deeds of *Edward* himself, and *Henry* his Father: for when *Alexander* the third King of *Scots* sent Auxiliary Forces to *Henry* III. in his War with *Simon de Montefort*, he demanded an expresse Caveat, that they should not be look'd upon as sent on the Account of any Subjection or Right; which *Henry* did also testify by his Letters Patents, viz. That he had received those Auxiliary Troops, not as any Assistance any way due to him, but as a special Favour from  
his

*his Neighbour Prince.* And certainly this Argument of the Pope's, does utterly destroy the Homage; for if *Scotland* had been a Kingdom held by *Edward's* Bounty, he might have demanded those Auxiliaries, not as a Favour, but as a Debt: For the Vassal is obliged to assist his Lord both in War with his Military Force, and at Home with his Counsel and Advice; for Favour and Debt cannot agree, but the supposing of the one, implies a Denial of the other: Nor could *Henry* declare that *Scotland* owed him no Service, in more express Terms, than by desiring Assistance from the King of Scots as a Favour.

The third and a most powerful Argument brought by the Pope, is from the Practice of *Edward* himself in his own Person: for when *Edward* required the Presence of his Neighbouring Monarch *Alexander* at his Coronation by his Letters, the King of Scots not being ignorant of the English Tricks, refus'd it until *Edward* himself, did by his Letters grant him a Caveat, that his Presence was not required as that whereunto he was obliged, but only as a special Favour. Now what can be said more plain or express against this Homage, seeing the Vassal, as has been already hinted, is always obliged to appear at his Lord's Court when he is required?

The



The fourth Argument, and that which is still harder upon *Edward*, is, that when the King of *Scots* appeared before him in Person, to perform the usual Homage for *Tyn-dal* and *Penreth* (which are both in *England*) before he took the Oath, he did openly, and in the Presence of a great many Persons, *viva Voce*, declare, that he swore Fealty for the Lands which he held in *England*, and not as K. of *Scotland*: for he neither ow'd nor would perform any Homage or Fealty to the King of *England*, for the Kingdom of *Scotland*; and that *Edward* himself did then agree to what was spoken, though nothing could be said or thought more exprefs for the confutation of this Homage.

The fifth Argument which the Pope makes use of against *Edward*, is stronger still: for when *Alexander* died, leaving only a Grand-child by *Edward's* Sister, who was his Wife, behind him as Heiress of the Crown, *Edward* did solícite a Marriage betwixt her and his Son *Edward*, then Prince of *Wales*, by all Methods imaginable; whereas had he been Liege Lord of *Scotland*, the Wardship of the Damsel who was Heiress, and that also of the Kingdom it self, would have fallen to him by Law as the Superior: but the Pope evidences the contrary, viz. That there were Guardians of the Kingdom chosen by the Nobles  
of

of Scotland, who should take care of the Government and the Damsel, until a dispensation of Consanguinity could be obtain'd from the Pope, (for Edward the Son and Margaret were in the second and third Degree of Consanguinity, as I said, and so could not contract Marriage without a Dispensation :) and the Pope adds, That there was an express Proviso made by Edward in Writing, that in case the Marriage should not be agreed on either by the Default of the Nobility, or otherwise, That he should leave the Kingdom of Scotland free and subject to no Man for ever; and if there happened to be Children by that Marriage, that he should leave the Kingdom in its antient State, and restore it as he received it, that it should retain the Name and Dignity of a Kingdom as before, both in enjoying its own Laws, appointing Officers of State, holding of Parliaments, and deciding Causes within the Kingdom, and that none of the Inhabitants should be obliged to go out of the same for Judgment. Now none can call Parliaments but those who have the Rights of Majesty; so that if this Proviso granted by Edward, do not put this Question about the Homage out of all Controversy, I know not what to say: but that all those things were contained in Edward's Letters Patents thereupon granted and produced before him,

the

the same Pope doth testify yet more plainly  
and fully. The Pope's sixth Argument is, that this  
Margaret being dead, and a Controversy arising  
amongst the Nobility about the Succession  
of the Crown, the greatest part were willing  
that the King of England should be Arbitrator,  
and thereupon he came to the Borders with an  
Army to support those of his own Faction;  
the rest being called thither were somewhat  
afraid, and not trusting the King's bare Word,  
that their Obedience should be no way  
prejudicial to the Kingdom, nor infer any  
Servitude, they would not come near the  
Borders into his Presence, except he did first  
assure them by his Letters Patents, that they  
were not required to do the same, as being  
thereunto oblig'd, but out of a special Favour,  
and that the Liberties of the Kingdom should  
suffer no prejudice thereby; and these Letters  
Patents were then produced before the Pope.  
And to prevent an Objection which Edward  
might raise, viz. That the King of Scots did  
Homage to him afterwards, the Pope subjoins  
that tho' the same was perform'd by one in  
whose Favour he had unjustly pronounced  
Sentence, and that some Innovations were  
thereupon made by him contrary to the usual  
Custom, yet all these things were extorted by  
Violence and Fear, which



may befall a constant Man; and therefore they ought not to subsist in Law, nor to redound to the Prejudice of the Kingdom. From this sixth Argument of the Popes, these three things are to be inferred; First, That the Nobility of Scotland, though at that time without an Head, (*unregales*) the word used by the Pope, would not then acknowledg the King of England as their Lord or Superior; but being called out of the Kingdom in order to an Agreement, they obeyed, not as being thereunto obliged, but out of a special Favour, wherein they followed the Example of the last King Alexander. The second is, that this Homage being extorted from Baliol, could not subsist in Law, which is the same Reason given for that extorted from King William when a Captive. The third is, that the Sentence pronounced by Edward in favour of Baliol, was unduly given, the Modesty of the Word tempering the Injustice of the Sentence; for he might have said, which he certainly thought, that the said Sentence in favour of Baliol, was given contrary to all Law and Equity: and that therefore Bruce was the true Heir of the Kingdom, which is confirmed by the Popes Sentence, of their Authority whereof we shall hear anon.

The 7th Argument is, from the Custom of the Church of *Rome*; for when a Legat was sent into *England* from the Apostolical See to exercise his Function, he could not upon that Pretext proceed to do the same in *Scotland*; neither ever was he, or ought he to be admitted by the Scots, except he brought special Letters from the Pope to the King of *Scotland*, which was not necessary if *Scotland* had been a Fee of *England*, or that the King of Scots had been subject to the King of *England*; for in that Case, as Lawyers speak, the Embassy into *England* had been sufficient alone: and in fine, that the Pope might leave nothing untouch'd, he brings in also that Controversy betwixt the Bishop of *Tork* and the Scots Clergy concerning the Superiority which the Bishop of *Tork* did arrogate to himself over all the Scots Bishops, which as I said before, being brought into Judgment in *England* could not be determined, though the English Bishops themselves did preside, but both Parties appealed to the Pope; and therefore *Boniface* does expressly write in that Epistle, that the Bishop of *Tork* could never obtain Judgment for himself, because he produc'd nothing for the Confirmation of his Cause, but a Letter from some Scots Bishops, in which they had writ to the Bishop of *Tork*, *Memento quod tui*

*sumus, Remember that we are yours*; a most excellent Argument indeed for a proud Bishop, who was seeking to overthrow other Mens Liberty, for writing to him officiously, *Nos tui sumus, we are Yours.* But to return to the Pope, he in fine, condemns the Design and Intention of the King of England, to subdue Scotland, especially being then without a Head or Captain, and trusting themselves wholly to the King of England; and he admonishes him sharply to withdraw thence on Pain of Excommunication, and leave the Scots to their own Liberties and Laws; and if he had any equitable Plea to alledg for himself, that he should appear before him by his Ambassadors within six Months, to answer the Scots upon that Head, for there were then Scots Ambassadors at Rome, and in their Calamities they did implore the Assistance of the Pope as Liege Lord of England. The Archbishop of Canterbury brought this Denunciation of the Pope's to Edward, then raging in Scotland; and admonishing him to leave that Kingdom on pain of Excommunication, Edward being nothing afraid of the Pope's threats, swore by the Blood of God, for Sion's sake will I not hold my Peace, and for Jerusalem will I not be at rest, (alluding to those words, Sion and Jerusalem, in the Pope's Message) while there's Breath  
in



in my Nostrils, but will defend my Right, which is known to all the World, to the utmost of my Power. And therefore that he might obviate the Pope's threatnings, he sent two Letters to him, one from himself, and another from his Nobility, both of them Apologetical, in defence of his Superiority over Scotland: The Tenor of those Letters, is to be found both in *Westminster* and *Walsingham*; therefore I shall go through the Heads of them briefly, that all Men may see how strong and concluding the Pope's Arguments were for the Liberty of Scotland, and what weak, empty and trifling Arguments *Edward* brings for maintaining his Homage. Beginning then with the ordinary Preface of kissing the Pope's Feet, he says, That he and his Ancestors in all Ages past, had a direct Lordship, and presided over Scotland, and gave the Reins of that Government into whose Hands they pleas'd, and dethroned them as they saw occasion; and to elude all Probation, alledges, that these things are so notorious, that they need no Proof, because he was sure, that if Proof was required, his Nakedness would be exposed, and that he should not be able to produce any: But lest it should be thought he had done nothing, he brings the first Argument for his direct Dominion, from the Fable of *Brutus*, and his division of

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Britain

Britain amongst his three Sons, reserving the Royal Dignity to *Locrinus* his eldest; whereas neither the names of Homage nor Superiority were known to the World for 2000 Years after *Brutus*, as I said before, if ever there was any such Man as he. The second is, that *Dunwallo* killed *Staterius* King of *Scots* for his Rebellion, and had *Scotland* yielded up to him, which does not infer a Superiority, but the manifest Subversion thereof, if there was any; if the Vassal's Fee be yielded up to the Lord, and consolidate with the Superiority. But this *Dunwallo* reigned before *Rome* was taken by the *Gauls*, at which time if there was any such thing as the Name of *Scots*, or a King of *Scotland*, I leave it to the Judgment of the candid Reader. The English Historians do stily maintain, that the *Scots* did not come into *Britain* before the time of *Honorius* and *Arcadius*; but that there was any such King of *Scots* as *Staterius*, *Monmouth* himself the inventor of these Fables, does not so much as suggest. It's really strange, that Mens minds should be so much set upon Fictions, that they are not afraid of saying any thing, so it may but reproach their Enemies. What is subjoined concerning *Brennus* and *Belinus*, is of the same stamp; for if *Brennus* was King of *Scotland* or *Albania*, and did with his Countrymen subdue

*France, Italy, Germany,* and at last  
*in Rome* it self in Flames, to what a height  
 of Glory has this imprudent Man rais'd the  
 Scots against his Will? but it's strange that he  
 should say, that the Law of Primogeniture  
 had its first rise from the Customs of the *Tran-*  
*jants*, when its Original is to be found in the  
 Holy Scriptures many Ages before *Troy*.  
 We be to that ignorant Sciolist who dictated  
 these things, and did thus impose upon his  
 Magnanimous Prince, as to suggest to him  
 such things as have no Evidence nor Author,  
 nay, not so much as an English Monk. Of the  
 same sort are those things which are forged  
 concerning *Arthur*, as I said above, for that  
 there was a King of *Scots* called *Anguselinus*,  
 is not to be found in any Author. But let  
 us go on, The English succeeding to the  
 Kingdom of the *Britains*, they did together  
 with their Monarchy obtain this Dominion  
 over *Scotland*, says *Edward*; but I pray by  
 what Right? for this is not a good Conse-  
 quence, that if any one despoil another of  
 his Country or drive him into Exile, that  
 therefore he must be his lawful Heir. I have  
 answered what relates to *Edward*, *Athelstan*,  
 and the ridiculous Miracle of *St. John of Be-*  
*verly*, as also what concerns the Cleft in a  
 huge Rock at *Dumbar* of an Ell in length  
 made by *Athelstan's* Sword, the Monument



of which is still to be seen there, says *Edward*, though I believe that whoever goes to seek it in that Place will lose his Labour, there are so many gaping Rocks there. There are two things which he brings as most strong Arguments, one, that this Miracle is read weekly in *John's Legends*; and what if he could have said, that it had been read in the *Golden Legend*? but pray where's the Miracle if the Scots beat the English, or the English beat the Scots? for that was not such an unusual thing in either of the Nations. The second is, that the King of *Scots* was Godfather to *Albistan's* Son; cannot that Honour be done to one Prince by another, but they must needs be said to perform Homage? But by the same Argument some idle Brain may argue, that the most august Queen of *England* is subject to the King of *Scots*, because by her Ambassadors she was Godmother to the King of *Scots* and his Son the Prince. As to *Edred* I said before, that it does not follow that he who swears Fealty to another, must needs be his Subject, except it be Liege Fealty, for every Body knows that there is a social Fealty. As to the feigned *Irisius*, let them say what they please, so long as there's no such Person to be found in the Catalogue of the Scottish Kings, but feigned Names agree best to feigned things. What they alledg

As to *Rinaldus*, or *Rinaldus*, *Eugenius*, and the  
 rest of the Kings of *Cumberland*; I answer a-  
 gain, that there never was any King of *Cum-  
 berland*, but only the eldest Son of *Scotland*  
 who called Prince of *Cumberland*; and no Man  
 of any Sense did ever call them King: but if  
 he perform'd Homage for *Cumberland*, a  
 Country of *England*, he did no more than  
 what he ought; yet this is reproachfully im-  
 puted to the Kingdom of *Scotland*. For *Ed-  
 ward II.* *Edred*, *Edgar*, *Ethelward*, *Edmund*,  
*Canute* and *Edward III.* I have already answer-  
 ed, that never one of them did so much as  
 see the Borders of *Scotland*, having enough  
 to do at Home to oppose the Danes and Nor-  
 wegians, wherein the Scots did them faith-  
 ful and gallant Service: and if at any time  
 they demanded Homage of them, it was no  
 more than what was their Due for those three  
 Beneficiary Provinces; and if the King of  
 Scots had denied it, he should have dealt in-  
 juriously with his Lord. As to the Conque-  
 ror, *Rufus*, *Henry I.* *Stephen*, and *Henry II.*  
 I have already said, that they were taught to  
 their own Cost to abstain from invading  
*Scotland*.

If the Princes of *Scotland* did then per-  
 form Homage to those Kings, they did no  
 more than what was their Duty. *William*  
 King of Scots, when he could obtain no Ju-  
 stice

since from Henry II. endeavoured to redress himself by force of Arms, and wasted England far and near, but with no good Success in the issue: For having been very prosperous in the Undertaking, on his return Home he dispersed all his Horse to plunder the Country, and being attended only with 60, was taken in an Ambush upon the very Border, and while he was Prisoner, Homage was extorted from him for the Kingdom of Scotland. Whereas there is not so much as one English Monk, who says that this Homage was perform'd before for the Kingdom of Scotland by any of the Kings of Scotland: But however that is, Richard, Son to Henry, understanding that there would never be any durable Peace with the Scots so long as that Pretence of Homage was kept up, he renounc'd it to him, as I said before. So that those things alledg'd by Edward in that Apologetical Epistle to the Pope,

*Nec pueri credent nisi qui nondum are lavantur,*

won't so much as find Credit amongst Children.

But as to the Pope's Objections, by which he infers the Freedom of Scotland, both from his own, and his Father's Act and Deed, there's



there's not one word; for what would you have a Man do, who had nothing to say? For according to the Practice of Rhetorick, on those things which cannot be answered, must either be pass'd over in silence or eluded. The Nobility of *England* did write to the Pope to the same effect concerning that Question; and affirm'd, that the Homage was not at all to be doubted of, and therefore they could not bear it that their King should abate one ace of his Right: and they do importunately request of the Pope, that he would not give any Credit unto, or admit of any Probation from those perjur'd, perfidious, traiterous Scots, the Pests of *Mainland*. I believe truly, that it happened to us, as it did of old to the Britains; who though they took an Oath of perpetual Fidelity from the Saxons, who were their Guests and Mercenaries, yet were at last dispossest of their Country, depriv'd of all their Riches, driven into *Wales*, suffered all manner of Injuries that could be done or said by the Saxons, and were also lash'd with all manner of Reproaches. Nay, *Beda* himself does frequently upbraid them with Perfidiousness; though I don't find in any English Historian, that ever the Britains swore Fealty to the Saxons, or much less broke their Oath to them.

These

These things I have added concerning the Letters that pass'd betwixt *Boniface* and *Edward*, that from their Controversy we might have the full Knowledge of this Affair; for we could never have a better nor easier View of what's to be said and thought concerning this Homage. But our Neighbours will say, that their Cause is no way prejudg'd nor affected by this Papal Verdict, which is false; for if *Scotland* was then a Fee of *England*, as they assert without either Shame or Authority, the Pope was the most lawful Judg and Ordinary of this Controversy: For *John*, Grand-father to this *Edward*, did subject the Kingdom of *England* to the See of *Rome*, and took the Jurisdiction thereof upon him: and therefore if the King of *Scots* was a Sub-vassal, to whom should he complain concerning the Injury done him, but to his Liege-Lord? The People of *Aquitain* being oppress'd with Tributes and Impositions by *Edward* Prince of *Wales*, they made their Complaints to the French King, which occasion'd the Loss of *Aquitain*: and according to the Feudal Law, if the Sub-vassal be cruelly and unjustly us'd by the immediate Vassal, he has liberty to sue him before the Lord who is superior to them both. Not that I do think the Pope was ever Judg in *Scots* Affairs; but that it was common at  
that

that time for all who were oppress'd with Calamities, and unable to resist, to implore the Assistance of the Pope in their Adversity, because he was then believ'd to have a Jurisdiction over all Christian Princes: Nay, he did arrogate the same to himself; alledging that of the Prophet *Isaiah*, *The Kingdom, or People, which will not serve you, shall be reared up.* When he call'd himself Lord of France upon that account, and threatned *Philip the Fair* with a Pontifical Thunderbolt, except he would acknowledg him as such; the French King ordered his Letters to be burnt in the publick Market-place at Paris, the Sorbonists assisting at the same. Nor did he desist from his Purpose, until he depriv'd the Pope both of his Life and Dignity. This I bring only, that all Men may know that the Popes did at that time usurp a Power over Emperors and Kings, that so they may wonder the less at his asserting, that the Kingdom of *Scotland* did appertain to him.

CHAP.



## CHAP. XXXII.

*Of the various Success in this War against the  
Scots, and how all the English were at last  
thrown out of Scotland.*

**H**itherto we have managed the Question, Whether this Homage was due by Law or otherwise, with Reasons and Arguments; but the remaining Part of the Controversy was submitted to the Decision of the Sword, and managed with the whole Strength of both Kingdoms, until Bruce did constrain the King of England by force of Arms to abjure that Homage which Edward extorted from Baliol by Fraud and Force: And though I should willingly (now that all things, by the Goodness of God, tend to a perpetual Peace and Friendship) abstain from rubbing this old Sore, lest the Wound which is now heal'd up, should at some time or other bleed afresh; yet Holinsbed will not suffer me to forbear, but attacks our Reputation by all Ways and Means imaginable. But to return to Bruce; Baliol being thrown out, and his Memory condemned, so that there's no Footsteps of that Family left in Scotland, Bruce and Cummin bewailing

ling the Ruin of their Country, to which they themselves had so much contributed, they entred into a mutual Covenant, that Bruce should be invested with the Crown, which was his Due, and that Cummin for his Assistance should enjoy all the Patrimony which Bruce had in Scotland. But Bruce having return'd to the English Court, to avoid all Cause of Suspicion, Cummin either being frightened with the Greatness of the Danger, or thinking that he should the more easily attain the Crown, for which he was one of the 12 Competitors, if Bruce were out of the way, he sent the Compact which was sign'd by both their Hands, to K. Edward, and discovered the Conspiracy. The Letters being receiv'd, Edward accus'd Bruce of Treachery, and shew'd him them. Whereupon Bruce, dissembling the Matter, promis'd he would not go from Court till he made the Charge appear to be false. Edward having formerly experienc'd his Faithfulness and Gallantry, did not at first believe that the Letters were real, but supposed that they might be forg'd by his Rival. Bruce in the mean time, made his Escape; and having inverted his Horse's Shoes, because of the Snow, that he might not be trac'd, he fled with all speed into Scotland. And having found Cummin, and reproach'd him

him with the Treason, he kill'd him; and took the Crown upon him at *Scoon*, according to the usual Manner of his Ancestors; but the Solemnity was not great, because most of the Nation did still suspect him. However, being inferiour to no Man in Magnanimity, he resolv'd to try his Fortune; and being accompanied with some of his Country-men ill-armed, he engaged *Edward* Prince of *Wales*, and *Andemar Valence* the King of *England's* Deputy, but was defeated and put to flight. Our Country-men say that he was worsted in thirteen Battels, or Rencounters, before he fled to the Western Islands; and being suppos'd to have been drown'd as passing a River, the English left seeking after him. Then they rag'd against all Scots-men without any Distinction, disarm'd them every where, and thrust them into Prisons and Work-houses. Nay, according to the Command of *Edward* the Father, the Son thought and talk'd of nothing less than the utter Extermination of the Scots; but the murdering of such a great and dispers'd Multitude, seem'd too difficult; and the Remainders were reserv'd for a miserable Servitude. *Edward* in the mean time, that he might cut off all hopes of any Change, commanded all the principal Men of the Scots to be search'd for, promising and granting



ing great Rewards to those that would  
 betray them: Nor was he deceiv'd in his  
 hopes; for *Bruce's* three Brethren were  
 taken, and according to *Westminster* the gal-  
 lant *Simon Fraser*; as also the invincible  
*Wallace*, who was betray'd by one that had  
 little reason to have done so; and all of 'em  
 being brought to *London*, they were bar-  
 barously executed, being drawn at Horse-  
 tails, affix'd to Gibbets, and their dissected  
 Members hung up in the Publick Places of  
*Scotland* to the Terror of others: For *Ed-  
 ward* was not contented with the bare Death  
 of his Enemies, as is recorded of him in Hi-  
 story for his Cruelty towards *Leolin* and  
*David Welch* Princes, who were betray'd  
 before that time into his hands. The Eng-  
 lish give this Reason for his Cruelty to-  
 wards the Nobility of *Scotland*, that they  
 were perjur'd Traitors and Covenant-brea-  
 kers. Whereas not one of them could ever  
 be induced either by Intreaty or Reward,  
 as is witnessed by *Polydore*, to acknow-  
 ledg the King of *England* for their Sove-  
 reign: But *Edward* being afraid of them,  
 made no bones to violate the Laws of  
 War; yet he found himself much mistaken  
 in his Opinion, for what he contriv'd for  
 the Terror of the Scots did so enrage  
 them,

them, that every Man had recourse to Arms: Whereas in my Judgment, *Edward* might have done what he pleas'd with the Scots at that time, if he had treated them with more Clemency; but they being rendered mad, look'd about on all hands for a General to renew the War, not being solicitous for Arms in the least, though they were disarm'd, as knowing that a strong Man never wants a Weapon. *Bruce* lurking mean time in the *Flebrides*, and understanding that *Carrick* was grievously oppress'd by the English, being accompanied with some of his Country-men, and some Souldiers from the Western Islands, he made a Descent upon *Carrick*, rather with a design of Revenge than any hopes of recovering his Crown; and surprizing the English, who did not look for any such thing, he cut them off, storm'd the Fortresses which they possess'd: and having spread his Terror far and near, the Remainders of the Scots who either lurk'd, or were oppress'd by grievous Servitude, flock'd to him from all parts, arm'd themselves with the Spoils of the English; and continuing in action Day and Night, he prevented his own Fame by a sudden March to the Northern Parts, put the English there

there to rout, and took and demolish'd all their Fortifications: So that having gathered together a great Army, his Subjects coming in to him on all sides, he hastned Southward, first routed the *Cum-*  
*min*, and then the English in divers Battels; and in one or two Years time, dispossest them of the whole Kingdom, all but two or three Castles. *Edward* the Father, being filled with Indignation, march'd toward *Scotland* with a mighty Army, but died on the Borders. How he was affected towards the Scots, appears by *Westminster* and *Walsingham*; for his whole Discourse when alive, and his Orders to his Son when a dying, was utterly to root out the Scottish Nation: and for that End he commanded that his Bones should be carried about with the Army, at the very Sight of which he said the Scots would flee. Our Historians say, that being ask'd, when he was at the Extremity, what should be done with the fifty Scottish Youths whom he had as Hostages, he commanded all of them to be hanged. A cruel Sentence, especially at that time; and so by the just Judgment of God, all his Victories vanish'd into Smoak: And *Bruce* having gone through much Fatigue, restored the Kingdom



dom of *Scotland* to its antient Dignity. This is that *Bruce*, the Champion of his Country's Liberty, who never being dispirited by his Adversity, nor rendred haughty by the Height of Prosperity, turn'd the Disgrace of the Scots, and the Calamities of War, upon the Authors of it; and purchas'd so much Military Glory to the Scots, that in his time, says *Walsingham*, twenty English-men durst not encounter three Scots \*. And that same Author in another place, says that a hundred English would fly at the Sight of two or three Scots †. Such is the Difference betwixt Man and Man, and General and General. But now I return to *Holinshed*, and his *Edward II.*

\* *Walsingham* in fine  
Edw. I.

† *Walsingham* in  
Edw. II.

CHAP.

## CHAP. XXXIII.

Of Edward II. and III. and Henry IV. and whether they receiv'd Homage from the Scots.

THIS Edward II. says he, did at first enjoy Scotland peaceably; such is the Madneſs of this Man, that he blabs what-ever comes into his Head without Author or Semblance of Truth: For Edward II. after his Father's Death, led a vaſt Army into Scotland, and was join'd alſo by abundance of Scots; but Bruce having waſted the Country through which he was to march, Edward was forc'd to retire into England for want of Forage, pretending that he durſt not truſt the Scotiſh Auxiliaries. But Bruce purſuing him, ravaged the moſt fruitful Provinces of England, and maintain'd his Army there moſt part of the Winter; and at his return abundance of the Scots who perceiv'd the Fortune of the War chang'd with the General, did alſo join him. Edward being exasperated with theſe things, deſigned to deſtroy the whole Nation, and gathered together a numerous Army from all parts of England; to whom he join'd abundance of foreign

reign Souldiers from *Normandy*, *Britany*, *Aquitain*, *Flanders*, and other transmarin Provinces, which were then subject unto him. There did also flock to him all Men who were drown'd in Debt, Spendthrifts, Criminals, those of desperate Fortunes, and such as had neither Credit nor Wealth to live upon at home, that the Scottish Nation being destroyed they might settle there, as thinking that the very Sight of such an Army was sufficient to conquer the Scots, or at least that by one Day's labour they should purchase Estates to themselves for ever. Some say there were 300000 fighting-Men in that Army, others 150000, and the least Number mentioned by any Historian is 100000: But *Bruce* marching against them with 30000 chosen Men, inur'd to all the Fatigues and Hardships of War, routed and put that vast Army to flight, killing 50000, and taking as many: but he behaved himself with much more Magnanimity and Clemency than *Edward* did after his Victory at *Falkirk*; and was so far from revenging the barbarous Execution of his three gallant Brethren, and others of the Scottish Peers, or the numerous Calamities which the Scots had suffered before, that he us'd his Victory with the greatest Humanity, took care of the Wounded, and ordered the Corps of those of Qua-  
lity



lity to be carried as far as *Berwick*: By which, says *Walsingham*, he procur'd the inviolable Love of a great many of the English. And yet their Writers do frequently upbraid us with Barbarity and Inhumanity. But the War was not ended thus; for *Edward* was thrice routed afterwards by *Bruce*, twice near *York*, and once when he besieged *Berwick*. Nor did the Scots content themselves with their Victories in *Britain*; but sailing over into *Ireland* under the Conduct of *Edward Bruce*, Brother to *K. Robert*, they maintain'd a War there for four Years together, and *Edward* was declared King of *Ireland*; but not knowing how to moderate his Fortune, and pushing on his Victories too fast, he engaged with the English and Irish in unknown Places, and so was cut off with all that followed him. In this War, which lasted only about four Years, *Polydore* says there perish'd 60000 Scots and 30000 English. This I mention that our Neighbours may understand how many Men, and what Loss of Christian Blood this their Commentitious Homage hath cost both Nations. So that what *Holinshed* says of this *Edward II.* that he enjoy'd *Scotland* peaceably at the beginning, is most false; for in the very beginning of his Reign, he was wholly driven out of *Scotland* by *Bruce*, and forc'd to fight for

his own Kingdom of *England*: and whereas they have writ upon the Tomb of *Edward* the first at *Westminster*,

*Edvardus primus Scotorum malleus hic est*;

They ought to have writ on *Edward* the second's Tomb,

*Filius Edvardus Scotorum funditur armis.*

Nor did the English act any thing considerable against the Scots during the Reign of this *Edward*, which they ascribe to his ill Fortune; nor should we be angry at them for doing so, provided they would allow the Scots to impute their Calamities to *Baliol* an Englishman, and moreover, an abominable Coward.

But *Holinshed* tells us wonders of *Edward* the third, viz. That he restored this Homage, the King of Scots having covenanted to pay him 30000 *l. Sterlin* in three Years time: certainly this Man ought to be sent to a Mad-house; but one Fault draws another after it, and the Sparks of the former Crime is a Firebrand to the latter; for *Holinshed* hath so inur'd himself to Falsehood, that for the maintaining of one Lie, he is not ashamed to forge a thousand more, and that

that also against the Credit of English Historians; for the Truth of the Story, as recorded by *Polidore* himself, *Froissard* and *Walsingham*, is thus.

*Edward* the third, whom the English call their Hector, desiring to revenge his Father's disgrace, in the beginning of his Reign assembled a great Army, having also sent for abundance of Forces from *Hainault* and the *Neiterlands* to invade *Scotland*; but being eluded and kept in play by a small Army of *Scots*, and almost slain in the middle of his own Camp by *James Douglas* the *Achilles* of that time, who entred the same couragiously with two hundred Horse, *Edward* was obliged to retire without so much as seeing *Scotland*; and finding himself scarce able otherwise to bear up against the Valour of the *Scots*, that he might consult the quiet of his own People, he married his Sister *Joanna* to *David Bruce*, by consent of his Peers, having abjur'd all right of Dominion or Superiority, and restored all the Monuments which contained the Homage, even *Holinshed* himself being witness; and therefore I wonder at the Impudence of that Man, who asserts, that all those Monuments are still kept by the English. *Walsingham* says, that he made Charters to resign all right and claim of Superiority, which either he or his Progenitors had over  
the



the Kingdom of *Scotland*. Then what could be said more exprefs? Homage was twice extorted for *Scotland*, once from King *William*, and afterwards from *Baliol*, and the King of *England* was twice compell'd to abjure it.

As to what was done by *Edward Baliol* we don't regard it, for he followed his Father's footsteps; and the Scots did drive both him and the King of *England* out of their Nation by force of Arms, though I confess, they received many overthrows first: and this is wonderful and worthy to be observ'd, that in all those Wars the English were still victorious at first, yet at long run they were constantly forced to quit the Kingdom, though not without mutual Overthrows: But it is still a greater Wonder, that this *Edward* being a magnanimous Prince, and otherwise worthy of all Commendation, having when he married his Sister to *David* King of *Scots*, establish'd a perpetual Peace by Oath, which was promised to be sincerely observ'd on both sides; and did at the same time abjure that Homage, that he should nevertheless assist *Edward Baliol*, Son to *John Baliol*, with 4000 armed Men, to recover the Kingdom of *Scotland*; and *Polidore* does mightily torment himself, while he seeks a Vail every where to cover this matter with,  
but

but all in vain: for *Edward*, according to the manner of his Forefathers, did so greedily gape after this Homage, that it's hard to say, whether the English did cover, or the Scots refuse it, with the greatest Eagerness; but there's none but your self, *Mr. Holinshed*, who ever asserted, that *David* performed Homage to him; for though he was not so fortunate in War as his Father, yet he never ceased making War upon *England* while he was able, but what he did during his Captivity is uncertain, for that he perform'd Homage, is neither writ by *Walsingham*, nor any other English Historian of that time. But if he performed it during his Captivity, which yet is not said by any Historian, the King of *England* did little consult his own Honour, to extort Homage from a Prisoner who was not his own Master: for there's nothing so inhumane, nay I may say, so dishonest as to demand any Right from a Man who is not his own Master, but hath lost his Liberty, and so is not oblig'd to perform such Obligations, as I said formerly in King *William*; and all Laws and Nations agree in this, that there ought to be a Restitution where Consent hath been obtain'd by Force and Violence. That is also vain, and derogates mightily from the reputation of the English, which *Holinshed* says, that *Baliol* the younger resigned

ed into the Hands of *Edward* all the Right which he had to the Crown of *Scotland*, and that the said *Edward* the third received the Royal Crown of *Scotland* from him. How came it to pass then, that this King who was the most fortunate of all their Kings in War, and was call'd the Hector of *England*, was dispossest of the Crown of *Scotland*? But all those things which are writ by *Holinshed*, are to be mark'd with the Censor's Note, as also what he subjoins concerning *Robert* and *Henry*.

You write that *Robert* the third delivered his Son *James* to *Henry* the fourth as into Wardship, wherein you do manifestly pervert the History against *Polidore*, and all the other English Writers: For King *Robert* being afraid of intestine Broils, sent his Son *James* privately for *France* with only one Ship, that he might live retiredly there; but he was taken by the English Fleet contrary to the Faith of the Truce in his Passage, which *Polidore* does not dissemble, and was detained there eighteen Years, there being in the mean time a most cruel War betwixt *England* and *France*. The Historians of both Nations say, that he was ransom'd with Money, and that the King of *England* might ensure his Friendship, he married him to his Kinswoman the Duke of *Somerset's* Daughter,



Daughter, having no Daughter of his own; but neither his being admitted to ransom by the English, who at that time enjoyed the Sovereignty of *France*, nor his Wife's Intreaties, nor any other consideration whatever, could withhold him from assisting the French, whose Affairs were then in a ruinous Condition with two compleat Armies which he sent into *France*: I grant it is true, that during his being detain'd Prisoner, he accompanied *Henry* the fifth into *France*, that he might withdraw the Scots Army, who defeated the English, and killed *George* Duke of *Clarence*, *Henry* the fifth's Brother, from the Assistance of the French: but that I may here repeat what I said before, the Scots who did at that time serve in *France*, answered, that they would not acknowledg *James* for their King so long as he was in the Power of his Enemies; but as soon as he was ransom'd, he attack'd the English with so much Vigour, that he prevented their sending Forces or Recruits into *France*, and so that Kingdom was delivered out of the Hands of the English. What *James* did while he was in the Enemies Hand, is nothing to the Purpose, and if *Holinshed* may be credited, the King of *England* acted very dishonourably, in forcing him at that time to perform Homage; but there's no English Historian

storian that I know of, who makes mention  
 of the same, nay, not so much as *Holinshed*  
 himself, in the Life of *Henry* the 5<sup>th</sup>, or 6<sup>th</sup>;  
 and therefore it must of necessity be a Ficti-  
 on, seeing he has no Authority for it: *Poli-  
 dore* puts himself to a great deal of Trouble,  
 to ward off the Disgrace of the English in  
 breaking the Truce, but in vain. The Prince  
 who thought himself safe because of the pub-  
 lick Faith, was contrary to the same committed  
 to Custody; I would not for any thing that  
*Holinshed* could object so much against us.  
 After that time there's none who received  
 any Homage from the Scots, though *Henry*  
 the eighth sent the Duke of *Norfolk* into *Scot-  
 land* with a vast Army to receive the same;  
 but he having only cross'd *Tweed*, and burnt  
 a Monastery upon the Bank of it, as soon  
 as he saw the Scots Army marching towards  
 him in order of Battel, he quickly retired  
 over the River with so much Precipitation,  
 that to show good Example to his Men, ha-  
 ving alighted from his Horse, according to  
 the *British* manner, he waded through the  
 River up to his Shoulders.

## CHAP. XXXIV.

*Of Brief and Summary Conclusion of the whole  
Controversy, with some new and strong Ar-  
guments against this Fictitious Homage.*

**B**UT that we may now put an end to  
this Dispute, it's certain that in the  
time of the Britain Kings, there was no such  
thing as Homage in the World; nay, nor  
during the Reign of the English Saxons, un-  
til *Aethelstan's* Time: nor is there any menti-  
on of the same by any English Writer, for  
it was impossible, that they should make  
mention of that thing which had no Being at  
that time in England. But I have just ground  
of Complaint against the English Historians,  
who by a direct Paralogism, *A dicto secun-  
dum quid ad dictum simpliciter*, as Logicians  
speak, would obtrude this Commentitious  
Homage upon us by Sophisms; for whereas  
this Homage was only due and perform'd for  
the Countries given us in Fee, that Poste-  
rity might know, that those Countries were  
not of the Patrimony of Scotland, but of  
England; yet they have only left it upon Re-  
cord in general, that this Homage was per-  
form'd, and think they committed no Fault  
therein;



therein; and thus by not being accurate and exact, they gave a fair Occasion to Posterity, either of deceiving others, or being mistaken themselves: for later Writers (as it's usual for every one to favour the Honour of their own Country) drew what former Authors had said, *a dicto secundum quid, ad dictum simplex*, or form'd an universal Conclusion from particular Premises; and they again mistaking yet more grossly, perverted things *a dicto simplici, ad dictum secundum quid, viz.* finding it mention'd simply in former Writers, that the Scots had performed Homage, they applied it as *dictum secundum quid*, contrary to the Mind of their Predecessors, *viz.* that Homage had been perform'd for the Kingdom of Scotland, which is but too familiar with Mr. *Holinshed*. But that I may come to the Kings of the Norman Race, who of all the Kennel of Cloistered Monks did ever say, that Homage was performed for the Kingdom of Scotland, either to *William* the Father or Son, or to *Henry* the first or second, before *William* King of Scots; but the Form of this Homage is manifest and clear in *Hoveden* and *Matthew Paris*, which *Malcolm* and *William* us'd, *viz.* with a Salvo for their own Dignities and Rights; and sometimes it was expressly added, for their Lands or Dominions in *England*; that this was

was the true Form of the Homage perform'd, not only by *Malcolm* and *William*, but also by every one of their Predecessors or Ancestors, is plainly testified by King *Richard*, and that *Scotland* was always independent, both in his Time and that of his Predecessors; why then should we fatigue our selves in a Matter so plain, seeking a Knot in a Rush, as the saying is, when the Kings of *England* themselves do testify, that the Kingdom of *Scotland* was free from any kind of Homage, and own, that the Homage was due only for the Beneficiary Provinces? What *William* King of *Scots* did, or what Right was extorted from him when he was not Master of himself, signifies little, as I have said before. After King *William's* time, the Kings of *Scots*, *Alexander* the second and third, when they heard of some Rumours spread by the English concerning this Homage, declared War against them, that there might be no suspicion of their Servitude conveyed to Posterity: nay as it appears plainly by that Epistle of *Boniface*, *Alexander* the third when he performed that Homage to the Hammer of the *Scots* (*Scotorum Malleo*) as they call *Edward* the first, declar'd plainly and expressly in the Audience of a great Multitude, that he did only perform the same for the Beneficiary Counties which he held in *England*, but  
E c that

that he neither ow'd, nor would perform any for the Kingdom of *Scotland*, and *Edward* accepted of the Homage on those Terms; and in Truth according to my Opinion, he had acted more wisely, and consulted the Interest of himself and his Subjects better, if he had still left those Provinces to be held in Fee by the Scots; for they had neither been so soon dispossest'd of their Hereditary Possessions in *France*, nor should have found their own Subjects so mutinous. But let them see to that, we will return to our purpose.

That *Scotland* is neither a Fee of *England*, nor that the King of *Scots* owes any Homage to the King of *England*, appears from this, that the Vassal is oblig'd to seek a Renovation of the Fee, as often as either the Person of the Lord or Vassal is chang'd within the Year, otherwise he loses all Right to his Fee: But at the Inauguration of our Kings, the Consent of the King of *England* was never requir'd, nor was ever the renewal of the Investiture demanded from any Successor to the Crown of *England*; but for almost 2000 Years, the next of the Blood did constantly succeed in a continued Series, the like whereof is not to be found in any Nation in *Europe*, no not in *France* it self, without Vanity be it spoken; so that they were



were not subjected to the Choice of any Man, nor was there any Room for the Judgment or Command of the King of *England* in the Case. *Baliol* was the only Man who ever had Investiture from the King of *England*, and that he purchas'd by Bribery: but never did any King before him, nor any of those who came after him, receive the Ensigns of Royalty from the Hands of any other than their own Countrymen; and as for *Edward Baliol* who followed his Father's Example, and swore Homage to the King of *England*, we never acknowledg'd him for King.

There can be neither War, Peace, nor Truce betwixt the Lord and the Vassal; for those things are transacted betwixt such as are of equal Dignity: for when a Peace is publish'd, the Names of both Princes are express'd and plac'd in the same Degree of Honour; but that there hath been Peace, Truce and War, betwixt the Scots and the English, is owned by all the English Historians, though *Holinshed* does here call it Rebellion.

And as for your Court and Parliament, we did not only never acknowledg their Superiority over us, but were never summoned to them: So that from those things, the impartial Reader will be able to judg,

whether the King of *England* could claim any Right of Superiority over *Scotland*.

To this we may add, that as in a military Fee, the Wardship of the Heir is due to the Lord, who during the Vassal's Minority has the Administration of the Fee, and in the mean time he enjoys all the Product thereof: and though since the Conquest so many of our Princes have happened to be Pupils or Minors, as *Edgar, Malcolm, Alexanders* the second and third, *David, Bruce, James* the first, second, third and 4th, *Mary*, and *James* the sixth; yet where is it ever read that they were delivered into the Wardship of the King of *England*, or that the Revenues of *Scotland* were returned into the Exchequer of *England* during their Minority, or that the Scots were obliged to be accountable to the English on that Head? What Benefices, which were then numerous and rich in *Scotland*, are either recorded or reported to have been bestowed by the King of *England*? Though during the Minority of Vassals, the Right of Patronage or Presentation, and the Administration of the Fee, do according to the Laws of both Kingdoms, belong to the Lord: and who ever read or heard that the Government of *Scotland* was administered by the King of *England*, in the Minority of so many Princes? Nor is it credible  
that

that the Kings of *England* would have been wanting to have demanded their Right, who did so greedily catch at every Opportunity of enjoying this Kingdom, especially when their Kings were not capable of defending the same during their Nonage.

Moreover, who ever writes that the Consent of the English King was requir'd in matching our Princes? or who is it that takes notice, that ever they demanded the single or double Value of the Dower, according to the Laws of Wardship? But that which is more, seeing according to the Feudal Law, the Heir can neither contract Friendship nor Alliance with his Lord's Enemies; our Princes did often, nay, almost always marry amongst those who were greatest Enemies to the English. Those things will be easily perceived by any Man, who is not as dull as a Stock, to be no part of a Vassal's duty to his Lord, but the quite contrary, and that all this counterfeit show of Homage or Tutelary Fealty, is a mere Fiction.

Nor is this to be omitted, that according to the Feudal Law, if there be any Controversy betwixt the Lord and the Vassal, about the Lord or the Fee, the Judgment must go for him who hath been in Possession for thirty Years, in which time the direct Dominion does also prescribe: but our Coun-



trymen have been in Possession of their Liberty now for three hundred Years since *Baliol's* time, the English themselves being witness ; nor have any of the Kings of *England* obtained that Homage from us for so long time.

Who ever heard that the consent of the English was demanded in calling or holding our Parliaments? When did the King of *England* preside, or when was he present at them in Person, or by his Deputies? Were our Laws made or publish'd by his Authority? for Laws cannot be made by any one who has a Superior, nor can any Man call a Parliament who hath not the Right of Sovereignty and Majesty. Have not Feudal Dignities, such as the Titles of *Dukes, Earls* and *Barons*, been conferred by our Princes, and yet those Honours cannot be performed by a Vassal or any other but a Liege Lord? In fine, besides the vain Ostentation of the Monastical Writers, who don't know what Homage is; What has there been hitherto done by them or us, which makes us Vassals?

We have hitherto retained the Sovereign Majesty inviolable, without being subject to any Body; our Kings administred Justice according as they themselves thought meet, made War and Peace with whom they pleased,

pleased, granted Letters of Reprisal and such other things which never use to be done by any other than real and independant Kings: On the other Hand, what has the King of *England* done that we should acknowledge him for Sovereign, seeing that Bond betwixt the Lord and Vassal does not so much consist in Words, as in Fealty, Benevolence and good Offices?

*Valvasors*, *Valvasins*, and the rest of the inferiour Orders of Beneficiaries, if they be unjustly oppress'd by their Lord, they use to appeal unto their Superior, to whom the Cognizance and Examination of the Grievance belongs: This the King of *England* was made sensible of when *Edward the Black Prince* did oppress *Aquitain* with Taxes and Impositions. The *Aquitains* appealed from their immediate Lord the King of *England*, to their Liege Lord the King of *France*, who did also give Sentence in their Favours; which the King of *England* refusing to obey, *Aquitain* was taken away from him, and restored to the Crown of *France*, which holds it to this Day. But when did Scotsmen, though frequently injur'd by their Kings, appeal to the King of *England*, or when was the Cognizance of our Offences devolved upon you? Inferiour *Valvasors* are obliged to assist their Supream

Lord against their immediate Lord with their Lives and Fortunes; but when did we assist the English against our own Prince?

Nay our Kings have not only been always look'd upon and acknowledg'd as supreme and independent in the Kingdom of *Scotland* by Foreigners, viz. the Emperor, Kings of *France*, *Spain*, *Denmark*, *Sweden* and *Poland*, but the Kings of *England* themselves have always given as great Titles of Honour and Dignity to our Kings, in their Letters, and Contracts of Alliance or Peace, as ever they receiv'd from ours, or as ever they gave to the most potent Kings of *Europe* who are invest'd with the Rights of Majesty: Which is a most certain Evidence, that the Majesty of our Kings had never suffered any Diminution, and this is unusual to be perform'd by a Lord to his Vassal.

There is lastly, that adamantin or inviolable League betwixt the French and the Scots; which could never be infring'd by any Revolution of time, and wherein both Kings do expressly promise upon Oath to assist one another against their common Enemy the English, with offensive and defensive Arms; and that this League was made 200 Years before the Norman Conquest, *Holinshed* himself bears us witness. And though that League hath cost us the Ransom of three Kings,



Kings, and the Lives of 100000 Men, yet it may be said concerning it, that

————— *Nec Jovis ira, nec ignis,  
Nec potuit ferrum nec edax abolere Vetustas.*

*Nor Joye himself, tho arm'd with thundring  
Dart,*

*Nor Sword nor Time the French and Scots  
could part.*

Nor is there any thing that makes more against that fictitious Homage, than this League, which is still kept in the Archives of both Kingdoms. For where was it ever heard of, that another King's Liege-man, or Vassal, entred into a League with his Lord's Enemy? For the Vassal is obliged to take Arms for his Lord and his Dignity, whensoever his Lord requires it, and to lay them down again at his Command.

But here some of our Country-men will object, that all this Labour is in vain; for where's the Dishonour of it, that we being formerly Vassals to the English, have now shook off their Yoke for 300 Years? and that it's certainly more for the Disgrace of the English, that they have been beat from the Possession of this feigned Homage. I  
answer,

answer, that I am sensible of the Truth of the things objected: For *Bodinus* being misled by the English Writers, when he writes that *Constantine* King of *Scots* reigned as Vassal to *Athelstan*, and that *Baliol* did professedly hold the Crown of *Scotland* as a Fee of *England*; he subjoins, but the *Scots* Kings ever since *Baliol's* time, have abjur'd the English Homage, and never would acknowledg the King of *England* their Superiour, nor themselves his Vassals; though *David* King of *Scots*, being *Edward* the Third's Prisoner, did importunately demand Leave to do so from his Subjects; yet finding it in vain, he was at last dismiss'd by *Edward* on this Condition only, that he should entertain Peace and Friendship with him. *Alphon-sus* III. King of *Portugal*, is much esteem'd by all Men for his refusing Homage to the Kings of *Castile*, though it had been formerly paid by his Ancestors: and since that time the King of *Castile* ceas'd to be accounted Superiour, or Lord of *Portugal*. And in our time, *Basilins* Duke of *Muscovy*, who formerly was accustomed to give Audience to the Ambassadors, or receive the Letters of the Cham of *Tartary* upon his Knee, and in a Posture of Adoration; yet he shook off his Yoke in 1524, and now assumes the Title of

a Great Emperor, for which no Body blames him. But as to what concerns that Homage, the English can object nothing against us which does not militate against themselves; for the Conqueror perform'd Homage for *Normandy*, *Henry II.* for *Normandy*, *Anjou*, *Poitou*, and *Aquitain*: and so did all the Kings of *England* from him to *Henry V.* do Homage to the French King in the Posture of Supplicants, with their Hands stretch'd out, as is observed by *Bodin*, who hath transcribed the Form of this Homage out of the Archives of *France*: And the Homage continued as long as did the Bounty; but that being re-demanded by the French, they ceas'd to be their Vassals. And the Emperor *Charles V.* who was far more potent than the Kings of *England*, before he was made Emperor held all his Dominions in Fee from other Princes, *Flanders* from the French King, *Brabant*, and the rest of the Dominions of the *Netherlands*, *Milan* and *Austria* of the Emperor, the Kingdoms of *Naples*, *Sicily*, *Corfica*, *Sardinia*, *Arragon*, *Castile*, and at length *Navarre*, of the See of *Rome*: And therefore we ought not to be upbraided for that which was common to us, with the most Potent Princes.

But



But as for *Holinshed*, there can be nothing in the World vainer than he; who hath packt up together Truths, Falshoods, things doubtful and feigned, into one Bundle, without any Distinction or Judgment, so he could but vomit out his Fooleries and Scurrilities, or exercise his sawcy Pen against the Scots; for he brings those things as Truths against us, which he acknowledges to be Fables in the History of the Britains. However, *Holinshed* hath done right in this one thing, in consulting his own Reputation, by not putting his History in Latin; for if he had done it in that Language, he had expos'd himself to the Laughter of all Men: and there's no doubt but he was wonderfully pleas'd with his own History, when he perceiv'd his old Wives Fables read by his Country-men with so much pleasure; certainly he thought himself in Heaven, and there we leave him, seeing he despises us who are here below him. But the more that the English contemn us, so much the less is their own Glory; who have never been able hitherto either to drive us out of our Country, or make us their Subjects, how despicable, vile, poor, cowardly and barbarous soever they are pleas'd to account us. We will grant you Riches,  
Honours

Honours and Power; but will not yield to you, nor any Nation in *Europe*, either in Antiquity of Government or Lineage. You have also Riches with which you are accustomed to hire Mercenary Souldiers: You have moreover, Publick Navies, Fleets, Great Guns; and above all, you do cultivate Military Discipline. For us, our Wealth is but small to hire Souldiers; we have no Publick Armories, no Great Guns, are much inferiour to you in Number, have no Royal or Publick Fleet, no Fortified Towns, and scarcely a Castle or two which are safe from the Attacks of Enemies; and which hath always been much to our Disadvantage, no Military Discipline.

Certainly we should have been in a very ill Condition long e're now, if there had not been something to supply such, and so many Defects. King *Eumenes*, when his Affairs were in a ruinous Condition, and that he had nothing left which he could call his own but the Castle in which he was besieged, yet when a Peace came to be treated of betwixt himself and K. *Antigonus*, who was superior to him in Power and Dignity, he answered, "That he would acknowledg  
" no Man his Superior so long as he could  
" hold a drawn Sword in his Hand.

But

But that I may at last finish this Controversy, I shall only by a single Tetrastick, revenge upon *Holinsbed* the Injury done to our *Boethius* by *Leland*, in a Satyrical and bitter one at the End of *Ortelius* his Theatre ; to which they may subjoin this if they please.

### Ad Lectorem.

**Q**Uæris *Holinsbedii Historiam cognoscere*  
 (Lector,  
*Augeæ stabulum dicere jure potes :*  
*Non hanc Eurotas, non hanc Tyrinthius ipse*  
*Expurgare potest spongia sola potest.*

FINIS.

6 March, 1602.





